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The Solicitors' Journal.

LONDON, JANUARY 27, 1877.

CURRENT TOPICS.

THE MOMENTOUS QUESTION of the precedence of the recently-appointed justices of the Court of Appeal as regards the choice of circuits was, we understand, decided at the meeting on Saturday last in favour of the Justices of Appeal.

WE HEAR of numerous complaints by solicitors of the difficulty of getting appointments before the chancery registrars; and, looking at the demonstrated increase of work in the Chancery Division, we think it can hardly be disputed that the time has come for filling up the vacancy in the registrars' office caused by the appointment of Mr. Ralph Disraeli to the office of Deputy-Clerk of the Parliaments. In the year 1867, when a twelfth registrar was appointed, pursuant to 30 & 31 Vict. c. 87, in consequence of the then progressive increase of business in the office, the number of orders drawn up was 4,000 less than in the year 1875-6; the numbers being about 13,000 in 1867-8 with twelve registrars and 17,000 in 1875-6 with but eleven registrars —a fact in itself sufficient to account for the difficulty complained of.

THE AMBASSADORS have left Constantinople after receiving some discourtesy from the Ottoman Government. It is stated that the Sultan, "having toothache," refused them an audience, and the Pashas absented themselves from the meeting for the signature of the protocol. Contemporary accounts state that when the ambassadors of the three allied Powers quitted Constantinople in 1827 they did not receive much more civility. It was not until their ships had weighed anchor that the Porte would send their firmans, and difficulties were made as to accepting the arrangements of the ambassadors for the protection of the subjects of their respective countries. It is to be feared, indeed, that the penalty intended to be imposed by the withdrawal of ambassadors is not of a very awe-inspiring character. The *chargé d'affaires*, who is accredited to the Minister of Foreign Affairs, is, perhaps, on the whole, a more convenient functionary than the ambassador. The ambassador can claim audience with the Sovereign or head of the State; the *chargé d'affaires* must communicate through the Minister. So at least it has been laid down in America. In 1852, on the occasion of an appeal made to the President of the United States by the Austrian *chargé d'affaires*, Mr. Webster wrote to the American *chargé d'affaires* at Vienna:—"The Chevalier Hülsemann ought to know that a *chargé d'affaires*, whether regularly commissioned or acting as such without commission, can hold official intercourse only with the Department of State. He had no right even to converse with the President on matters of business, and may consider it a liberal courtesy that he is presented to him at all" (see Wheaton, p. 386). The position of the different classes of representatives at foreign Courts, as settled at the Congress of Vienna, assigns to the *chargés d'affaires* the third rank, but the Congress of Aix-la-Chapelle, by adding to ambassadors and envoys accredited to Sovereigns a new class of "ministers resident accredited to Sovereigns," reduced the *chargés d'affaires* to the fourth rank. The secretary of the embassy is usually *chargé d'affaires*, and in the latter capacity he is entitled to the immunities of the ambassador, and it would appear that, independently of that character, he is entitled to immunities. "The secretary of the embassy," says Vattel (*Droit des Gens*, liv 4, chap. 9, s. 122, cited in Halleck), "has his commission from the Sovereign himself, which makes him a kind of public Minister, and he, in himself, is protected by the law of nations, and enjoys immunities independent of the ambassador."

A GOOD DEAL OF DIFFICULTY is felt with reference to the printing of evidence for the purposes of the Court of Appeal. It is no doubt convenient both for the judges and for counsel that the evidence should be printed, but it is always a consideration with the appellant whether it will be worth while to incur the outlay, and it is not easy to get the requisite authority for doing so. It is a little touching to see the confidence reposed by the framers of ord. 58, r. 12, in the superhuman magnanimity and ommiscience of the judges. The rule provides that the party desiring to have the evidence, or part thereof, printed for the purpose of the appeal may apply to the court below for a direction to print the evidence for the Court of Appeal. Now in the present merely human condition of the bench, the judge whose decision is to be attacked is not the judge to whom the appellant likes to apply. He may apply to the Court of Appeal before the hearing, but that court knows nothing then of the value or weight of the evidence, and can only judge of its bulk. Or, lastly, the appellant may print without leave, at the risk of having to bear the whole cost, even though his appeal be successful. In *Bigsby* v. *Dickinson* (25 W. R. 89), the appellant had printed the evidence without leave, and although he was successful in his appeal it was with some reluctance that the court gave him the costs of printing. It might be more satisfactory if r. 12 were altered in such a way as to allow the printing of evidence for the appeal court whenever it exceeds a given number of folios. The court always has full power over costs, and in view of this fact we cannot help thinking it might be left to the parties to exercise their discretion in every case.

IT SEEMS LIKELY that an attempt will be made in the ensuing session to deal with the question of the enforcement of penalties in magistrates' courts. Few, we think, will differ with Mr. Cross in his view that imprisonment is too often resorted to for this purpose. The evil is, perhaps, the most glaring in large towns, where men are constantly sent to gaol for non-payment of fines imposed for the breach of some petty municipal bye-law; but we are not quite sure whether even in these places the extent of the evil is so great as has been supposed. We have heard a magistrate of great experience in one of the large provincial centres of commerce estimate the proportion of prisoners in gaol who would have paid the fine if only reasonable opportunity had been given them at somewhere about five per cent. This, however, it must be admitted, is a large enough proportion to render it matter of anxiety to find, if possible, in these cases some means of enforcing the fine without resorting to imprisonment. There are two suggestions which seem feasible. One is to enable the magistrates to give time for the payment of the fine, or to allow it to be paid by instalments. The defendant should be

bound to bring the money at the time fixed, so that no collecting agency should be needed. This provision, we imagine, would greatly reduce the proportion of unnecessary imprisonments. Another remedy was mentioned by Mr. Serjeant Cox in the paper by him which we printed last week. It is to enable sureties to be taken for payment of penalties; but this, although not in itself an undesirable expedient, appears to be attended with difficulties in ascertaining the solvency of the sureties, and enforcing their obligations.

A CASE recently before the Exchequer Division is calculated to excite the gloomiest foreboding as to the ultimate fate of the defendants if they should persist in the course they have hitherto pursued. The action was brought under Lord Campbell's Act by the wife of a person killed in a railway accident, as his personal representative, to recover damages on behalf of herself and children. At the first trial, which took place at Norwich, the jury gave £3,000 damages. The railway company moved for and obtained a rule *nisi* for a new trial, on the ground that the damages were excessive. The court made this rule absolute for a new trial, unless the plaintiff would consent to take £1,000. The plaintiff seems to have thought that she had better take her chance with a fresh jury. The second trial took place before Mr. Secondary de Jersey and a London jury. Perhaps the defendants thought that they had had enough of Norwich juries. The event amply justified the confidence which the plaintiff, as a British female, reposed in the British jury, for the second trial resulted in a verdict for the plaintiff for £4,300. The defendants refused to be satisfied with this result, and recently moved a second time for a new trial, and the court has granted a rule *nisi*. How long is this process to go on? The jury in the nature of things must have the last word, and if they think it their duty to return ever-increasing damages, and the judges in their turn refuse to give way, the imagination refuses to contemplate the result. Suppose after the lapse of many years the judges should at last give way, the descendants of the children of the plaintiff may suddenly come into a colossal fortune, and about that time the railway company may possibly cease to pay any dividends to its shareholders for some years. Let us hope that more moderate counsels will prevail.

In a case heard this week Mr. Justice Grove held that tripe came under the term "refreshment," and that a tripeshop was clearly a place of "resort and entertainment."

At the January sessions of the Middlesex magistrates on Thursday Mr. Benjamin Sharpe called the attention of the court to the practice of issuing briefs to counsel for the prosecution of prisoners who plead guilty, and moved that the subject be referred to the Committee for Accounts and for General Purposes for investigation, and to report to the court on the next county day. The motion was seconded by Colonel Lyon Fremantle, and after a short discussion, in which Mr. J. Dunnington Fletcher said that there could be no objection to such a course, the motion was agreed to. The clerk of the peace laid before the court a memorial from the members of the bar practising at the Middlesex Sessions, calling attention to the fact that the days for the commencement of the sessions for criminal business during the current year were in seven instances the same days as those fixed for the commencement of sessions at the Central Criminal Court, and praying that the inconveniences stated to result from that circumstance might be removed or remedied. The Chairman said that the magistrates, having appointed these days and made them public, were unable to alter them. A memorial from the same gentlemen calling attention to certain inconveniences and defects existing in the accommodation provided for them was referred to the committee appointed to propose plans for the alterations and improvements in the neighbourhood.

DEBENTURES AND THE MORTMAIN ACT.

II.

WE pointed out last week that the Act of 9 Geo. 2, c. 36 (s. 3), not only invalidates gifts of lands or other hereditaments, or of any estate or interest therein to or in trust for any charitable uses, in any other manner than is provided by the 1st section, but also such gifts of "any charge or incumbrance affecting or to affect" land or hereditaments. It is strange that the bearing of this very obvious fact should have been so frequently overlooked, and that learned judges should still suppose that, as regards the operation of the so-called Mortmain Act, there is no material difference between shares in a company holding land and debentures in such a company. We pointed out last week wherein this difference lies. In the case of the shares there is but one question to be asked, viz., Are they an interest in land? and the test to be applied to decide this matter is, Can the land result in any shape or form, as land, to the shareholder? In the case of the debentures, however, it has to be considered, not merely whether they confer an interest in land, but whether they constitute a charge or incumbrance affecting land or hereditaments. As to this, we traced a series of cases which appear to have laid down the rule that, where a company or other body, having the power to levy tolls upon or in respect of the use of land, mortgage the tolls and their whole undertaking, they pass their right to raise the tolls; the mortgagee may obtain the appointment of a receiver of the tolls, and the mortgage is held to be a charge or incumbrance affecting land.

Lord Langdale, who, in *March* v. *Attorney-General* (5 Beav. 433), had already to some extent broken in on the principle of the early cases by holding that policies of assurance issued by societies holding land were not within the Act, although, as he said, it was "possible for circumstances to arise in which, from the state of the funds, the claims upon them, and the misconduct of trustees and directors, the court would take possession of the property and apply it for the benefit of all persons having claims upon it," attempted in *Walker* v. *Milne* (11 Beav. 507) to discard the early decisions, and to place debentures in companies on a new footing. "The species of property now under the consideration of the court," he said, "was never contemplated when the Mortmain Act was passed, nor when some of the decisions under that Act were made. . . . We are now applying this Act to a new state of things, which has since arisen, to joint stock companies, which have created a new species of division of property among numerous parties, and to new rights which within a very few years have been brought into existence. The question depends on the rights of parties in a joint stock company created by Act of Parliament." And he held that as the securities were given by the authority of the Act of Parliament plainly with a view to the concern continuing, and not with a view of coming to a court of equity to have it broken up and possession taken by the court, the debentures were not within the Mortmain Act. The debentures in question in this case were bonds of a canal company assigning the undertaking, and all and singular the rates arising by virtue of the Act of the company. But, two years afterwards, in *Ashton* v. *Lord Langdale* (4 D. G. & Sm. 402), Knight Bruce, V.C., dissenting strongly from Lord Langdale's decision, held that railway debentures purporting to assign the undertaking, and all and singular the rates, tolls, and sums of money arising by virtue of the Act of the company, were within the Mortmain Act. He said, "These interests proceed directly from the corporation, and appear to me to constitute a 'charge or incumbrance affecting lands, tenements, or hereditaments,' or some 'estate or interest therein.' In my opinion, they do directly and immediately charge hereditaments, viz., the tolls, if not the land itself, by the use of which the tolls are obtained

and, if so, they are within the words of the 3rd section of the Act."

So matters stood until 1866, when the important case of *Gardner* v. *The London, Chatham, and Dover Railway Company* (15 W.R. 137, L. R. 2 Ch. 201) was decided. In that case Lord Cairns explained the meaning of the word "undertaking," as used in debentures of a railway company, as follows:—"Various ingredients go to make up the undertaking, but the term undertaking is the proper style, not for the ingredients, but for the completed work, and it is from the completed work that any return of moneys or earnings can arise. It is in this sense, in my opinion, that the undertaking is made the subject of the mortgage." And he added that "the living and going concern thus created by the Legislature must not, under the contract pledging it as security, be destroyed, broken up, or annihilated. The tolls and sums of money *ejusdem generis*, that is to say, the earnings of the undertaking, must be made available to satisfy the mortgage, but in my opinion the mortgagees cannot, under their mortgages, or as mortgagees, by seizing, or calling on the court to seize, the capital or the lands, or the proceeds of sale of land, or the stock of the undertaking, either prevent its completion or reduce it into its original elements when it has been completed." It was held that the debenture-holder could not obtain the appointment of a receiver of the rents of superfluous lands, or of the moneys arising from the sale of such lands; but that he was entitled to a receiver of the tolls and sums of money *ejusdem generis* which were the earnings of the undertaking regarded as a going concern.

In *Holdsworth* v. *Davenport* (25 W. R. 20, L. R. 3 Ch. D. 185), the question arose as to the effect of this decision on the rules with reference to the application of the Mortmain Act to debentures in companies holding land. It was urged that the nature of these debentures had not formerly been clearly understood, and that since it had been settled that they gave no right to break up the undertaking or to enter on any of the lands, but only to have a receiver of tolls appointed, they were not within the Act. Vice-Chancellor Malins adopted this view; but he based his decision on grounds which appear to us to deprive it of much authority. In *Walker* v. *Milne*, which the learned Vice-Chancellor professed to follow, Lord Langdale boldly swept out of his way the previous decisions with reference to what is a charge or incumbrance within the meaning of the Mortmain Act. Here, he said in effect, we have a wholly new kind of security not contemplated when the Act was passed; it is better to overrule the previous decisions than to come to such an inconvenient conclusion as that these securities are within the Act. That was perhaps rather a strong attempt at judicial legislation, but it was, at all events, an intelligible *ratio decidendi*. But in *Holdsworth* v. *Davenport*, the learned Vice-Chancellor, so far as we can follow his reasoning, appears to argue as follows:—Shares in companies which derive their profits from land are not within the Act; to say that shares are not an interest in land, but "that an assignment of them, which is what a debenture really amounts to, is such an interest," is unreasonable. *Gardner* v. *London, Chatham, and Dover Railway Company* decides that a debenture in the form in the Companies Clauses Act does not give the debenture-holder a specific charge on the surplus lands, or the proceeds of their sale, so as enable him to get a receiver of the sale-moneys or *interim* rents. "Therefore," he continues, "the mortgagee has only a right to take the tolls, *and it follows* that he has not an interest which is within the Mortmain Act." There appear to be two assumptions in this judgment. First, that the Mortmain Act only applies to an "interest in land." Unfortunately, however, it also extends to any "charge or incumbrance affecting land." It might be unreasonable to say that, while shares are not an "interest in land," debentures are, but is it unreasonable to say that debentures are a "charge or incumbrance affecting land," and that shares are not? Secondly, the concluding words of the above extract appear to assume that if a debenture-holder has only a right to take the tolls (*i.e.*, to have a receiver of the tolls appointed) the debenture is not within the Act. The very converse proposition is laid down in the cases we cited last week. We do not quarrel with the learned Vice-Chancellor's decision—we have always regretted, indeed, that Lord Langdale's views in *Walker* v. *Milne* were not accepted and acted upon by his successors—but it appears to us that the Vice-Chancellor's reasons are as wrong as his decision is right.

In *Chandler* v. *Howell* (25 W. R. 55) Vice-Chancellor Hall had to decide whether debentures issued by improvement commissioners, granting to the mortgagee such proportion of the works, rents, and rates authorized to be erected, reserved, made, and collected by the Act as the sum advanced should bear to the whole sum borrowed or charged upon the credit of the same works, were within the Act. The learned Vice-Chancellor seems to have carefully discussed the decisions to which we referred last week, and came to the conclusion that in the case before him he must follow them; at the same time he attempted to reconcile his decision with *Holdsworth* v. *Davenport*. There was nothing, he said, on the face of the debenture in the case before him to preclude the holder from coming to the court for a receiver. In the case of a trading company (as in *Gardner* v. *London, Chatham, and Dover Railway Company*, and *Holdsworth* v. *Davenport*) it was not intended that the debenture-holders should be able to stop the concern or enter on any of the lands. This attempted reconciliation of Vice-Chancellor Malins' decision with the older cases is ingenious, but, for the reason before indicated, we fear it will not bear examination. What the older cases decide is, that where the appointment of a receiver *of tolls* payable out of or in respect of land can be obtained by debenture-holders, the debenture is within the Mortmain Act. Now in *Gardner* v. *London, Chatham, and Dover Railway Company* it was expressly pointed out that the debenture-holder in a trading company which assigns its undertaking can obtain a receiver of the tolls. If, therefore, *Holdsworth* v. *Davenport* is to stand, the old cases to which we have referred must be overruled. We should not in the least regret to see this done; but it is desirable to warn practitioners that they must not assume that the question is settled until it has been determined by the Court of Appeal.

Mr. Baron Deasy, while trying a record on Friday, the 19th inst., in the Consolidated Nisi Prius Court, was interrupted by being handed a large envelope containing some twenty pages of telegraphic message. It purported to be a message from a Belfast solicitor, and was supposed to have reference to some actions which he has instituted. The telegram was also addressed to Mr. Justice Keogh. Mr. Baron Deasy said he could not read such a document, but would send it to Mr. Justice Keogh, who, doubtless, would know how to deal with it.

Mr. Justice Manisty was entertained at dinner at the Albion Tavern, Aldersgate-street, on Saturday evening, by the members of the Northern and North-Eastern Circuits, to celebrate his elevation to the bench. A large number of the members of both circuits assembled, and among those present were:—Mr. Aspinall, Q.C. (Recorder of Liverpool), chairman, the Right Hon. Lord Justice Brett, the Attorney-General (Sir John Holker, Q.C., M.P.), the Hon. Adolphus Liddell, Q.C., Mr. Herschell, Q.C., M.P., Mr. Hopwood, Q.C., M.P., Mr. Gorst, Q.C., M.P., Mr. Waddy, Q.C., M.P., Sir James Stephen, Q.C., Mr. Leofric Temple, Q.C., Mr. Higgin, Q.C., Mr. Baylis, Q.C., Mr. Russell, Q.C., Mr. Benjamin, Q.C., Mr. Butt, Q.C., Mr. Campbell Foster, Q.C., Mr. Milward, Q.C., Mr. Pope, Q.C., Mr. Ambrose, Q.C., Mr. T. Aston, Q.C., Mr. Cave, Q.C., Mr. Mellor, Q.C., Sir Frederick Pollock, Mr. Wills, Q.C., Mr. Serjeant Wheeler, Dr. Tristram, Mr. G. Pollock, Mr. J. R. Mellor, Mr. Gibbs, C.B., the Hon. Mr. Elliot, Mr. Headlam (magistrate, Manchester), Mr. J. Williams, Mr. W. C. Gully, &c.

RELIEF ON DEFAULT OF PLEADING.

The question whether default in pleading operates as an admission, so as to entitle the opposite party to "relief" under ord. 40, r. 11, has been considered in several cases, and the general result has been to establish that the rule in question is inapplicable to cases of default. Where the defendant fails to deliver a defence, it is of course clear that the plaintiff's course is to set down the action on motion for judgment under ord. 29, r. 10, and he could not move under ord. 40, r. 11, without calling in the aid of ord. 19, r. 17, which, according to the decision in *Gillott* v. *Kerr* (24 W. R. 428), he is not at liberty to do. In *Hall* v. *Snelling* (20 Solicitors' Journal, p. 312) it was pointed out by Jessel, M.R., that ord. 29, r. 10, expressly provides that the action shall be set down. But as the plaintiff may set down the action the moment the defendant's time for delivering his defence has expired, and bring it on as a short cause on motion for judgment at once, he obtains speedy relief, and is under no hardship.

Where a plaintiff makes default in delivering a statement of claim, the defendant may also obtain immediate relief by moving to dismiss for want of prosecution under ord. 29, r. 1. But if the default is in delivering a reply, the defendant is in a somewhat different position. Ord. 29, r. 12, in effect provides that, in such a case, the pleadings shall be deemed to be closed at the expiration of the time limited for replying, and that the *statements* in the defence *shall be deemed to be admitted.* This rule differs from ord. 29, r. 10, inasmuch as it says nothing about setting down on motion for judgment; and the inference is that, if the defence is a complete answer to the statement of claim, the defendant is entitled to move, under ord. 40, r. 11, for the relief he is entitled to—viz., dismissal of the action, not for want of prosecution, but on the merits. But in *Litton* v. *Litton* (24 W. R. 962, L. R. 3 Ch. D. 794), Hall, V.C., held that such a motion was misconceived, and dismissed it, with costs, on the ground that the defendant must proceed either under ord. 36, r. 4, or ord. 36, r. 4a. These rules provide that if the plaintiff does not give notice of trial within six weeks from the close of the pleadings the defendant may do so, or may, in the alternative, move to dismiss for want of prosecution. Where the defence is not a complete answer to the statement of claim, and the defendant intends to move for dismissal for want of prosecution, there is no hardship in his having to wait until the end of the six weeks within which the plaintiff may give notice of trial. But too technical a construction of the word "relief" in ord. 40, r. 11, might well have the effect of compelling a defendant who has disclosed a complete defence on the merits (which defence, under ord. 29, r. 12, is *deemed to be admitted*) to wait for nearly two months after the plaintiff has given up all idea of replying, and practically abandoned the action, before he can obtain the simple relief to which, on the pleadings, he is clearly entitled—and which, moreover, is the very best "relief" an unwilling defendant can possibly obtain—viz., relief from the burden of harassing litigation founded on a malicious or mistaken claim. Such a construction is entirely at variance with the whole spirit of the provisions of ord. 36, which are intended to bring an action, in which either party has established his case, to as speedy a close as possible.

A more liberal view of ord. 40, r. 11, was taken in *Jenney* v. *Bell* (24 W. R. 550, L. R. 2 Ch. D. 547), where Malins, V.C., heard a motion under that rule to stay proceedings on the ground that the Court of Bankruptcy had jurisdiction, and decided against the defendant on the merits. It is difficult to see any distinction between staying proceedings and dismissing an action, as regards the "relief" sought by the defendant.

Reviews.

THE NEW PRACTICE.

The Practice of the Supreme Court of Judicature and of the House of Lords on Appeals, the Jurisdiction of the Court of Bankruptcy, the Court of the Chancery of the County Palatine of Lancaster, the Court of the Lord Warden of the Stannaries, and the County Courts, &c., &c., and the Practice on Appeals from those Courts. By Locock Webb, Q.C. Butterworths.

Mr. Webb seems to have chosen very discreetly the time for publication of his long-expected work. The judicature legislation has reached a stage at which it is likely to remain, with comparatively little change, for some time. There are several sets of rules issued last year which need to be collected and placed under their proper orders, and there is a mass of decisions which the practitioner desires to have arranged in a concise and accessible form. Mr. Webb professes to print a complete work on the practice under the Judicature Acts and the Appellate Jurisdiction Act, to refer to "every reported decision in court on the Acts and rules of any present practical value," and to give a digest of the more important cases. We shall first of all examine how far this profession is fulfilled.

The author's plan is to arrange in book 1, under the general headings of the Act of 1873, the provisions of that Act, of the Act of 1875, and of the Appellate Jurisdiction Act relating to the Supreme Court. This arrangement appears to have been carried out with care and neatness, and facility is given, by references in bold type in the margin, to enable the reader to learn at once the Act and section from which the provision before him is derived, while the difficulty sometimes experienced in finding any particular section in a consolidation of this kind is obviated by an index to the sections prefixed to the book. It would have been more convenient, however, if the provisions substituted for those repealed by the rules of December last had been printed under their proper orders, instead of being merely referred to there and printed at length in book 6. This, however, may be due to the late period at which these rules were allowed to reach the public.

Book 2 contains the rules of court, with marginal notes affixed. The notes appended to the various sections and rules contain the incorporated legislation, and either references to cases or short digests of cases. The plan of the author does not seem to be to attempt speculation or discussion on moot points, but to confine himself to recording the results of judicial interpretation. The decisions in court, if we may judge from the tests we have applied, have been diligently collected, and are brought down in the addenda to an unusually recent date. We do not fully concur in the author's view that the decisions at chambers are now of little, if any, importance, and therefore need not be introduced. Very many of them are of little importance, no doubt, but that is no reason why the few which are important should be omitted, such, for instance, as the cases on the question whether, under ord. 3, r. 6, and ord. 14, r. 1, a judgment can be signed charging a married woman's separate estate; it is surely desirable that reference should be made to the opinion expressed by Quain, J., in *Butterworth* v. *Tee* (20 Solicitors' Journal, p. 178), that it cannot, and to the decision of the Master of the Rolls in *Delasaux* v. *Barling* (20 Solicitors' Journal, p. 299).

The decisions given by Mr. Webb appear, on the whole, so far as we have been able to examine, to be correctly stated; but it strikes us that it would have been better if less reliance had been placed on the headnotes in the *Law Reports.* An instance of the errors into which too blind a devotion to these sources of in-

formation may lead an author occurs on pp. 27 and 181, where the effect of *Treleaven* v. *Bray* (L. R. 1 Ch. D. 176) is given as being that "where the plaintiffs and defendants allege that a suit is occasioned by the conduct of a third party, the court will give leave that he may be served with notice of the suit, *so as to enable the court to grant relief against him.*" This is what it pleased the reporter of the *Law Reports* to represent the court as having decided. What the court really said may be found reported in 20 SOLICITORS' JOURNAL, p. 112. Lord Justice Mellish, who was one of the committee of judges who settled the rules, said that the committee had come to the conclusion that it would not be advisable to make any rule which would enable one defendant to obtain relief against another defendant. The *object of the notice to a third party was merely to bind the third party conclusively by what might be decided between the plaintiff and the original defendant.* If the original defendant wished to get relief against the third party he must bring an action against him for the purpose. That this is the view which will be adopted appears from *Warner* v. *Twining* (24 W. R. 536), where Jessel, M.R., said that "the only purpose for which a third party was brought before the court under ord. 16, r. 17, 18, was to bind him by the action and preclude him from saying that it had not been properly defended." The *Law Reports* head-note is, therefore, misleading, and, as there is nothing in the report to justify the concluding words, Mr. Webb ought at least to have edited the head-note, and struck his pen through the last eleven words. There are some omissions in the notes which should be supplied in the next edition. For instance, it would have been useful to add to ord. 13 or 29 the directions issued by the chancery registrars with reference to the practice in the Chancery Division as to entering judgment in default (see 20 SOLICITORS' JOURNAL, 702). On the whole, however, we think that this portion of the work has been carefully edited, and that it will be found a useful addition to the existing works on the Judicature Acts.

As to the portion of the work, embracing about 100 pages and constituting books 3 and 4, on the jurisdiction of the Chancery Division and the Court of Bankruptcy, the Lancaster Court of Chancery and the Stannaries Court, we do not see what purpose it is likely to serve. The space allotted to the various subjects is a great deal too brief to enable them to be treated in a way at all likely to be useful to the practitioner. Supposing, for instance, any one wants to refer to some section of the Trustee Act, 1850, what possible advantage would the short summary of certain sections of that Act on pp. 421, 422, with the string of cases enumerated at the foot of the sections, be to him? There has been far too much of this kind of padding in recent treatises, and we regret that Mr. Webb has lent his sanction to the practice.

We should add, in conclusion, that the index is copious, and, like the whole work, is admirably printed.

POLICE LAW.

MANUAL FOR POLICE OFFICERS. By PHILIP B. BICKNELL, Chief Constable of Lincolnshire. Shaw & Sons.

The idea of this little book seems to us an excellent one. It meets a want which perhaps no one who does not occupy the position of the author could so well supply. The object of the work is described in the preface, which states that the compiler has, during many years of police experience, observed the difficulties and disadvantages attending the want of a handy-book of reference for police constables at a price within their means, and he has accordingly endeavoured in this work to place before them some important points of duty and practice, to define and explain terms constantly in use but imperfectly understood, and to furnish abstracts of the principal statutes affecting their duties, drawn in plain language, sufficient for their guidance. It will be at once obvious that a work of this description is not exactly a convenient subject for the pen of a professional lawyer, and yet that it could not well be undertaken except by some one whose avocations brought him into connection with legal matters. Any ordinary legal work treating of such a subject would be too bulky and expensive to answer the purpose. It must be remembered that the ordinary policeman in country districts is generally taken from the labouring class, and though it is obvious that a manual giving him some instructions as to his duties in a short and plain way must be of great service to him, yet the style and method of treatment natural to the professional lawyer is not the best adapted to his habits of mind and capacity. It is not the object of the book to give directions to the policeman as to the extent to which statutes are to be carried out and the mode of enforcing them. To do this would have been a delicate and perhaps dangerous matter, inasmuch as instructions for this purpose are provided in every force by experienced chief constables, who are the best judges of what is suitable for their respective districts. The object, as we gather it, appears to be to give the men a sketch in plain terms of the various statutes under which they principally act, and of the law with respect to various important points arising in the course of their duty, and so to assist them in carrying out their instructions as intelligent agents. Of course, it is difficult to compress within the necessary compass the details of so large a body of statutory legislation as that which is more or less connected with the duties of the police, but a plain outline of the more important provisions has been given, and the reader has been provided with the necessary references which will enable him to consult the statutes themselves if possessed of the requisite opportunity and intelligence. The object of the work as above expressed appears to have been well carried out. Besides the references to the statutes there are, under various heads, valuable and excellently expressed hints to policemen as to their deportment and conduct; as, for instance, with regard to the mode of giving their evidence in court, of dealing with statements made to them by prisoners, and other matters. Some of these may appear to the ordinary reader truisms or superfluous, but we are quite sure from our experience that to the raw and inexperienced recruit coming from the plough tail to undertake the duties of a constable the suggestions and warnings contained in this work will be most beneficial.

Mr. Francis C. Barlow, says the *Albany Law Journal*, is a waggish fellow—in fact, a very Falstaff. Last week he sent to Mr. Elihu Root, the opposing counsel in a cause, a request to return his brief in the case, saying, "I make now a further and formal request, for the purpose of basing upon it, if still uncomplied with, an action of replevin, or if the argument has been destroyed, an action of trover coupled with the arrest of the guilty parties." To which Mr. Root returned the following laconic reply: "Don't be a fool." Not heeding the request, Barlow responded at considerable length, saying among other things: "I request that you will inform me on or before 12 p.m. of Saturday next, whether you will meet me at a point to be designated by yourself, in Canada, during the coming week, that we may settle this matter of difference in a dignified way. If you answer in the affirmative, I will request a friend to wait upon you, whom you can refer to some gentleman who will act for you. Should you decline to give me this satisfaction, I can only ask you to be prepared to defend yourself (of course, I mean by the use of fire-arms) whenever and wherever I may meet you, always excepting, of course, the courts as a place of encounter. Upon recognition I shall feel at liberty to fire upon you, as the only method of adjustment left me of this difficulty." A warrant for Mr. Barlow was sought, whereupon Mr. Justice Davis interposed his "friendly offices," and Barlow solemnly asseverated that it was all a "joke."

Cases of the Week.

ANSWER TO INTERROGATORIES—PRIOR DETERMINATION OF ISSUE—ORD. 31, RR. 5, 8, 9, 10, 19.—The action of *Leigh* v. *Brooks* was instituted by the executrix of the testator in *In re Leigh* in order to set aside a sale of pictures to the testator by the defendant, on the ground of fraud. The plaintiff had delivered interrogatories requiring the defendant to set forth a list of the pictures purchased by the testator, stating their names, the prices paid for them by the testator, the names of the persons from whom the defendant bought them, the prices paid by him, the descriptions under which he bought them, and the names of the artists by whom they were represented to have been painted. He was also required to state, to the best of his belief, where the persons from whom he had bought the pictures purchased them, and the prices paid by them. The defendant refused to answer these interrogatories, and *Dickinson*, Q.C., and *Methold*, for the plaintiff, moved that he might be ordered to make a further affidavit in answer to them. *W. Pearson*, Q.C., and *Millar* (*Moulton* with them), said the defendant contended that there was a stated and settled account between him and the testator, and that question ought to be tried first under ord. 31, r. 19. It might render all the interrogatories entirely unnecessary. In any case, they were not sufficiently material at the present stage of the action: ord. 31, r. 5. Under ord. 31, r. 8 the objection to answer might be taken by the affidavit, as well as by application to strike out interrogatories. Even on the merits the defendant could not be compelled to answer such interrogatories. Could it be said that in an ordinary business transaction a merchant might be compelled to disclose to his customers what might be described as the entire pedigree of his goods for two or three generations? Moreover, the plaintiff's application was wrong in point of form. It ought to have been by summons, not by motion—ord. 31, rr. 9, 10: *Chesterfield & Baythorpe Colliery Company* v. *Black* (24 W. R. 783). The Vice-Chancellor said that there was no pretence whatever for refusing to answer the interrogatories. Ord. 31, r. 5, had no application whatever; it applied to an application to strike out interrogatories. Every question was most material, and was asked *bonâ fide* for the purposes of the action. The plaintiff's case was one which struck at the root of the defence of a settled account. Such fraud was alleged as would, if proved, set that aside, and for the determination of the question of fraud it was absolutely necessary to go into the questions asked by the interrogatories. Any one of the questions ought to be answered, even if it stood alone. As regarded the question of procedure, the court had jurisdiction to try the question on either summons or motion; and if, in this case, an application had been made in chambers, it would have been, necessarily, adjourned into court.

CHANCERY ACTION—TRIAL OF ISSUES AT ASSIZES—REASON FOR ORDERING TRIAL—EXPENSE—ORD. 36, RR. 27, 29, 29A.—A case under the new r. 4 of December, 1876, came before Hall, V.C., on the 25th inst. *Bevir*, for the plaintiff, asked, with the consent of all parties, that certain issues in an action, the writ in which was indorsed for Middlesex, should be ordered to be tried at the Stafford Assizes. All the parties lived in or near the county of Stafford, and it would be a great convenience and saving of expense to have the issues tried there rather than in Middlesex. The Vice-Chancellor said he considered that a sufficient reason, and made the order, prefacing it with a statement that, in the opinion of the court, it was expedient for the issues to be so tried, on the ground that considerable expense would be thereby saved. *W. Barber* and *North*, for other parties.

CHANCERY ACTION—TRIAL OF ISSUES BY JURY—INJUNCTION—DAMAGES—LIGHT AND AIR—ORD. 36, RR. 1, 3, 26, 27, 29, 29A.—A similar point arose, on the same day, in *Burrell* v. *Carturight*, which was an action assigned to Vice-Chancellor Hall's branch of the Chancery Division to restrain the defendant from obstructing the access of light and air to the plaintiff's premises in Coleman-street. The plaintiff had given notice of trial before a judge in Middlesex, and the defendant had given notice, under ord. 36, r. 3, of his wish to have the issues of fact tried before a special jury. *Sefton Strickland*, for the plaintiff, now moved, under ord. 36, r. 26, that, notwithstanding the defendant's notice, the action and all issues therein might be tried by the Vice-Chancellor alone. A mandatory injunction was claimed, but the defendant contended that, as he had completed his building before the issue of the writ, the only question to be tried was one of damages. On the other hand, the plaintiff alleged such a course of conduct on the part of the defendant as would, he contended, entitle him to an injunction, notwithstanding the completion of the building; and this question ought to be gone into before the question of damages was tried. He cited *Swindell* v. *Birmingham Syndicate* (24 W. R. 911, L. R. 3 Ch. D. 127), and contended that if the question of damages were first tried in a common law division the whole case would have to be re-argued before the Vice-Chancellor on the question of the plaintiff's right to an injunction. At any rate the question of the defendant's conduct ought to be gone into to ascertain the amount of damages. *Miller*, Q.C., for the defendant, submitted that the sole question to be tried was as to damages. The Vice-Chancellor said the reason of the thing required that he should not interfere with the right of the defendant to have the question of damages tried by a jury. The amount of damages which might be found to have been sustained might materially influence the question of the plaintiff's right to a mandatory injunction, and might even render the trial of that question quite unnecessary. There was no inconvenience in having the issue as to damages tried first; and then if the plaintiff thought himself entitled to an injunction he could get it on motion for judgment. As the writ was not indorsed for any county, and the property was in the City, he should direct the issues whether the plaintiff had sustained any and what damage to be tried by a special jury in London, and should direct no issue as to the defendant's conduct.

EXECUTION AGAINST TRADER—SUM EXCEEDING £50—POSSESSION-MONEY—BANKRUPTCY ACT, 1869, S. 87.—In a case of *Re Grubb*, heard by the Chief Judge on the 22nd inst., the question was raised whether, in determining the amount for which an execution had been levied on the goods of a trader, that is, whether it exceeded £50 or not, possession-money ought or ought not to be included. In *Re Bullen* (20 W. R. 1028, L. R. 7 Ch. 732), it was held that the costs of execution ought to be included in estimating the amount of the levy, so that, if the debt, interest, and costs of execution together exceeded £50, the provisions of section 87 applied. The principle of this decision was still further extended in *Howes* v. *Young* (24 W. R. 738, L. R. 1 Ex. D. 146), it being there held that the sheriff's poundage and officer's fee were to be taken into account in estimating whether the levy was for a sum exceeding £50. In that case it was not necessary to decide whether possession-money ought to be included, for the £50 was exceeded without making any allowance for possession-money. But, Bramwell, B., in giving judgment, said, "I can understand the argument that possession-money ought not to be included in the amount, because the words 'a sum exceeding £50' must mean at the time when the goods are taken, and at that time it is uncertain what the possession-money will be, or whether there will be any." And Amphlett, B., expressed himself in a similar way. In *Re Grubb* the debt, interest, costs of execution, sheriff's poundage, and officer's fee together amounted to £49 18s. 6d. If one day's possession-money (at the rate of 5s. per diem) was to be included, then the amount for which the levy was made exceeded £50, and the trustee in the bankruptcy was entitled to the proceeds of the sale of the goods. The point which was not decided in *Howes* v. *Young* arose, therefore, for direct decision, and the Chief Judge held that at least one day's possession-money was to be included, and that was sufficient to bring the amount above £50. He said that the debtor might have paid the debt, costs, &c., at once to the sheriff's officer, or might have required him forthwith to remove the goods, and if he had adopted either of those courses the right to possession-money would never have accrued. But, possession having been actually taken, there was an immediate right to charge at least one day's possession-money, and

that charge was one of the legal incidental expenses for which the writ authorized the levy to be made.

EQUITABLE MORTGAGE OF LEASEHOLDS BY DEPOSIT WITHOUT MEMORANDUM—TRADE FIXTURES—BILLS OF SALE ACT, 1854.—In another case of *In re Trethowan*, heard by the Chief Judge the same day, the question arose whether the trustees in the liquidation of a trader, or his bankers, with whom he had deposited the lease and the assignment to him of the premises where he carried on his business, were entitled to the trade fixtures on the premises. The deposit was not accompanied by any memorandum. The lease of the premises had been granted in 1815, for a term of 999 years, and it had been assigned to the debtor in 1865. The deed of 1865 assigned the leasehold premises to him to hold for the residue of the term, and the trade fixtures to hold absolutely. The purchase-money was £2,500 and this was apportioned by the deed into two parts, viz., £2,000 as the price of the leasehold premises, and £500 as the price of the trade fixtures. The reason for making the apportionment was this, that the landlord was, under the terms of the lease, entitled to a fine of ten per cent. upon the consideration paid for the assignment of the leasehold premises, but he was not entitled to any percentage upon the price of the fixtures. After the assignment the debtor put up additional trade fixtures of considerable value. The bankers contended that the right to the trade fixtures for the term passed to them by the deposit as incident to the leasehold premises, and that the Bills of Sale Act had no application, there being no document which could be registered. On the other side the argument was that the debtor's interest in the fixtures was an absolute interest, quite distinct from his interest in the leasehold premises, and that, fixtures being, by section 7 of the Bills of Sale Act, made personal chattels for the purposes of that Act, the title to them, as against the mortgagor's trustees in the liquidation, could not pass except by a registered bill of sale, unless actual possession had been taken by the mortgagees before the act of bankruptcy. The Chief Judge adopted the latter view, and held that the trustees were entitled to the fixtures.

BILL OF SALE—ACT OF BANKRUPTCY—REGISTRATION—ASSIGNMENT BY PARTNERS OF JOINT AND SEPARATE ESTATE AS SECURITY FOR JOINT DEBT—FILING OF LIQUIDATION PETITION BY INFANT TRADER.—The same day, in a case of *Re Vane*, the validity of a bill of sale was impeached on several distinct grounds. On the 10th of October Vane and Marshall, partners in trade, gave to one of their creditors a bill of sale of all their partnership property, and all their separate estate. The consideration for the assignment was a pre-existing joint debt of £199, and a fresh advance of £90. The fresh advance was made in this way:—Another creditor of the partners had taken their goods in execution for a sum of £90, and the grantee of the bill of sale paid out that execution. Before this, however, the partners had committed an act of bankruptcy by failing to comply with a debtor's summons which had been served on them by the execution creditor in respect of the execution debt. The bill of sale was not registered, but on the 31st of October the grantee took possession of the stock-in-trade in the shop of the grantors, and carried on the business till the 16th of November, they assisting him to some extent in doing so. Their names, however, remained over the shop as the ostensible proprietors of the business. On the 16th of November the shop was closed, and on the 25th of November Vane and Marshall filed a liquidation petition. Marshall was then an infant. On the 27th of November the grantee removed the goods. The grounds on which the validity of the bill of sale was impeached were these:—First, it was contended that the paying out of the execution was not a sufficient equivalent for the bill of sale, inasmuch as it amounted to a mere scheme to prevent the act of bankruptcy which would have resulted from the sale of the goods by the execution creditor. It was urged, therefore, that the transaction was void on the principle of the decisions in *Ex parte Pearson* (21 W. R. 688, L. R. 8 Ch. 667) and *Woodhouse* v. *Murray* (15 W. R. 1109, 17 W. R. 207, L. R. 2 Q. B. 634, 4 Q. B. 27). Secondly, it was said that, inasmuch as the bill of sale assigned separate estate to satisfy a joint debt, its execution amounted to an act of bankruptcy, by analogy to the decision in *Ex parte Snowball* (20 W. R. 786, L. R. 7 Ch. 534), where it was held that an assignment of partnership assets, made by one partner to secure a private debt of his own as well as a partnership debt, was an act of bankruptcy. Thirdly, it was urged that the bill of sale was void, because Marshall was an infant when he executed it. Fourthly, it was contended that no sufficient possession had been taken of the property before an act of bankruptcy had been committed to which the title of the trustee in the liquidation would relate back. That title, it was said, related back to the act of bankruptcy which resulted from the omission to comply with the debtor's summons, an omission which took place before the bill of sale was given, and, according to the recent decision in *Ex parte Attwater* (25 W. R. 206), it was immaterial whether the bill of sale holder had or had not notice of that act of bankruptcy, inasmuch as the protecting clauses of the Bankruptcy Act, 1869, do not extend to transactions which are made void by the Bills of Sale Act. With regard to the first of these points the Chief Judge held that the cases relied upon did not apply, because the amount of the fresh advance bore a sufficient proportion to the amount of the old debt, and it had been made to enable the debtors to continue their business, an object which had been in fact attained by the withdrawal of the execution. As to the second point, his lordship thought that the principle of *Ex parte Snowball* did not apply. As to the question of infancy he held, on the principle upon which he acted in *Ex parte Lynch* (24 W. R. 375, L. R. 2 Ch. D. 227), that the trustee in the liquidation, himself deriving title under a petition filed by an infant, could not be heard to say that the execution of the bill of sale by the infant was invalid. And, as to the relation back of the trustee's title to the act of bankruptcy committed on the debtor's summons, the Chief Judge said that, by the payment of the debt in respect of which the summons had been issued, that act of bankruptcy was purged, and could not afterwards be resorted to for any purpose. The title of the trustee could not relate back to it. In thus holding the Chief Judge adopted a *dictum* of Mellish, L.J., in *Ex parte Wier* (19 W. R. 1042, L. R. 6 Ch. 875). We should mention, however, that a doubt as to the correctness of that *dictum* was on the 18th inst. expressed by the Court of Appeal in the case of *Re Brigstocke* (noted *ante*, p. 219).

OLD ADMINISTRATION SUIT—DEFICIENT ESTATE—SUMS LEFT UNCLAIMED IN COURT—FUNDS SUBSEQUENTLY ACCRUING TO ESTATE—CLAIMS MADE BY SOME ONLY OF THE CREDITORS WHO ORIGINALLY PROVED—APPORTIONMENT.—On the 13th inst. the Court of Appeal (James, L.J., and Baggallay, J.A.) affirmed the decision of Malins, V.C., in the case of *Ashley* v. *Ashley* (24 W. R. 133, L. R. 1 Ch. D. 243), and thus settled the practice of the court with regard to the distribution of funds brought into court in an administration suit, and left there for many years unclaimed by the persons to whom they were originally apportioned, as well as of funds accruing to the estate after the original apportionment. Until a recent decision of Lord Selborne (when sitting for the Master of the Rolls) in a case of *Alderson* v. *Petrie*, it seems to have been assumed that the Court of Chancery (by analogy to the practice which prevailed in the Court of Bankruptcy, with regard to unclaimed dividends, before the Act of 1869) would, in a case where a fund accrued to a deficient estate, which was being administered in court, many years after an apportionment had been directed among the creditors who had originally come in and proved their debts, apportion the new fund, as well as any of the originally apportioned sums which might have been left in court unclaimed, among such only of the creditors as came in again and re-asserted their claims, that is, to the extent necessary to satisfy their debts in full, together with the interest to which they might be entitled. It seems to have been assumed that this was the practice of the court, though there are scarcely any reported cases upon the subject. But in *Alderson* v. *Petrie* Lord Selborne adopted a different view, and held that the persons who had been originally found to be creditors had acquired

under the decree a vested right to the sums originally apportioned to them, and that those apportioned sums, however long they might have been left in court, could not be paid out to any one but the persons to whom they had been apportioned, or their representatives. And in *Ashley* v. *Ashley* the Court of Appeal (James, L.J., and Baggallay, J.A.) adopted the same view, and extended the principle of the decision to a fund which had accrued to the estate many years after the decree for administration had been made, holding that that new fund must be apportioned among all the creditors whose claims had been originally admitted, and any other persons who might prove that they were creditors, though they had not come forward to do so in the first instance. The facts of the case were very remarkable. As long ago as August, 1748, a decree was made for the administration of the personal estate of a testator then recently deceased, the decree directing that his personal estate should be applied in payment of his debts, funeral expenses, and legacies, in a due course of administration, and that the usual accounts and inquiries should be taken and made. In June, 1785, the cause came on to be heard on further directions, and the master having certified the debts, and having found that the personal estate was insufficient to pay them, it was ordered that the testator's real estate should be sold, and the proceeds brought into court. This having been done, and certain specialty creditors who were entitled to prior charges having been paid, the master, in June, 1792, made another report, and in July, 1792, an order was made that the cash thereinmentioned should (after payment of costs and certain specialty debts) be divided among the simple contract creditors in proportion to the amounts due to them, and it was referred to the master to make the apportionment. The master made his report in August, 1792, stating the apportioned sums which were to be paid to the simple contract creditors respectively, as well as the sums which were to be paid to those of the specialty creditors whose debts remained unpaid. After this the majority of the creditors took out of court the sums which were thus apportioned to them, but a few of the apportioned sums were never applied for, and were left unclaimed in court for a great number of years. In the year 1867 attention was directed to these unclaimed sums, and about the same time a considerable sum of money unexpectedly accrued to the estate. The heir-at-law of the testator petitioned the court, and an inquiry was directed to ascertain the persons who were entitled to the money in court, both the unclaimed sums and the newly-accrued fund. Advertisements were inserted in the *Gazette*, and in the result the representatives of some only of the creditors who had originally proved came forward. No new creditors appeared, and, with respect to some of the apportioned sums which had remained in court unclaimed, no representatives of the persons to whom those sums had been originally apportioned came forward. The persons who did re-assert their claims claimed also interest from August, 1792, upon the unpaid balances of their debts, and contended that they were entitled to be paid out of the moneys in court the full amount of their debts, with interest, and that those of the creditors who had not come forward again were to be treated as having abandoned their claims altogether. The heir-at-law and the next of kin of the testator also asserted claims. The court, however, held that the apportioned sums which had been left unclaimed were the property of the persons to whom they had originally been ordered to be paid, or their representatives, and that, in the absence of an Act of Parliament, there was no jurisdiction to order them to be paid out to any one else. Those sums must therefore remain in court till some one came forward and showed a title to them. And the newly-accrued fund must, under the circumstances, be apportioned among all the persons who were originally found to be creditors, and be treated in exactly the same way as the original fund. The principle of the decision was this—that an administration decree is equivalent to a judgment against the estate of the deceased debtor, whenever it may be realized, in favour of all the creditors who shall come in and prove their debts. The court also held that the creditors whose debts carried interest were entitled to interest on the unpaid balances of their debts from August, 1792, with this exception, that those creditors who had left their money in court could have no interest upon the money so left. In that respect they must bear the consequence of their own neglect. Baggallay, J.A., who delivered the judgment of the court, reviewed with great care the cases which had been referred to during the argument (most of them being unreported), and pointed out that many of them, such as *Wild* v. *Banning* (L. R. 2 Eq. 577) and *Williamson* v. *Naylor* (3 Y. & C. Ex. 208), did not go the length of the proposition which had been contended for by the appellants. And with regard in particular to three (unreported) cases before Malins, V.C., two of them had been decided before *Alderson* v. *Petrie*, and the third in ignorance of it, and in *Ashley* v. *Ashley* Malins, V.C., not only followed *Alderson* v. *Petrie*, but expressed his entire approval of the decision, though the original inclination of his opinion had been the other way. There being, therefore, no long-settled course of practice to the contrary, the Court of Appeal felt themselves bound to follow the decision of Lord Selborne, in the principle of which they fully concurred.

THE LAW'S DELAY.

MESSRS. C. C. ELLIS & CO. write to the *Times*:—Will you permit us to mention a few instances in our own experience of the terrible and ruinous delay in getting justice to which suitors are subjected under the present system? Our experience is only the every-day experience of very many solicitors.

1. About the beginning of the year 1874 we commenced for some clients of ours an action against a joint stock company to recover a considerable sum of money. The case came on to be heard on certain points of law before the full Court of Queen's Bench in the month of November, 1875. It was in the paper for hearing many times during the previous few months before it came on, and was not heard by reason of its not being reached, the intervention of vacations, &c. It was argued and judgment was reserved. It was not until the 1st of July, 1876, being nearly eight months after, and more than two years from the commencement of the proceedings, that judgment was delivered. In the meantime the defendant company had passed into liquidation, and our client's money, in addition to all his costs, was lost solely through the delay. 2. In the month of March, 1873, an action was commenced against some clients of ours. After going through various trials, appeals, and other phases with varying results, the case came before the House of Lords on final appeal on the 1st of December last, nearly four years after the commencement of the proceedings. The appeal was then opened and partly argued. On attending next morning we found that, for some reason, one of the lords was unable to attend; consequently it had to stand over part-heard until the sitting of the House in February next. 3. An action was brought in chancery for an injunction against some clients of ours. It was decided by one of the Vice-Chancellors, and his decision was appealed from. The appeal was first of all in the paper of the Lords Justices on the 20th of November last. It remained in the paper on that and the three following days, and on the 25th of November it was reached and partly argued; it was then adjourned. It came again into the paper on the 29th of November, but was not reached. It was again in the paper on the 2nd and 9th of December, but not reached. It was again in the paper on the 19th of December when it was disposed of. This appeal was, therefore, in the paper on nine separate days before it was disposed of, necessitating numberless searches, letters, and attendances.

We are told that matters have got to such a pass at the common law Judges' Chambers that one or two policemen are obliged to be in attendance to keep order among the over-eager clerks who are waiting to have their summonses disposed of. It is quite certain that it is a matter of impossibility to get a summons heard before the judge himself without making several attendances at chambers, and waiting about for a great many hours.

Surely the benefits conferred by the Judicature Act ought not to be nullified by such delays and scandals, particularly when they involve enormous expense to suitors, in the way of refresher fees to counsel, expenses of witnesses, searches of lists, letters, attendances, &c.?

OUTDOOR RELIEF.

On Thursday, the 11th inst., a representative deputation, consisting of Mr. Albert Pell, M.P. (Northamptonshire), Mr. G. W. Hastings (Worcestershire), Mr. T. B. Ll. Baker (Gloucestershire), Mr. Layton Lowndes (Salop), Mr. C. R. Jacson (Lancashire), Mr. James Cropper (Westmoreland), and Mr. J. R. Hollond (metropolis), being the delegates appointed at the central conference of poor law guardians, held on the 6th of December last, waited upon the President of the Local Government Board, Mr. George Sclater-Booth, M.P. (with whom were Mr. Lambert, C.B., and Mr. Lumley, Q.C.), on the subject of outdoor relief.

Mr. Pell, M.P., introduced the deputation, and in doing so, remarked that they represented boards of guardians, and were present in consequence of a resolution, passed at a conference of poor law guardians recently held in London, to this effect:—"That the conference request the Local Government Board to make such further regulations for the administration of outdoor relief, and to introduce such legislative changes as they may think conducive to the proper working of the Poor Law Amendment Act, 1834." They had been named as a committee to bring that resolution before this Board. He should call attention to the forcible and remarkable terms of the remarks used by Mr. Hollond at the annual central conference in question, inasmuch as they embodied the views of those present—views which they were present to urge upon the President that day:—"When the Legislature confers rights on localities, it confers them in order that they may be exercised. For instance, the law permits the ratepayers to levy a rate of one penny in the pound for a free library, because it favours the establishment of free libraries: it gives local authorities power, under the Artisans and Labourers Dwellings Act, to destroy unhealthy dwellings, because it is good that unhealthy dwellings should be destroyed. But what would be thought of the Legislature conferring all these powers, and yet permitting a Government department to use all its influence to prevent them from being exercised? Yet this is what we actually have in the matter of the poor law. The local authorities have full power to give out-relief, but the policy of doing so is so manifestly bad that the Local Government Board is constantly urging them not to exercise it, and I know of no single instance where they have done the reverse." The deputation believed those remarks to be a very fair and accurate statement. The result was throughout the country what might be expected, namely, systems of administrations of every variety, from very good to exceedingly bad. The returns possessed by that Department show conclusively that outdoor relief was being given on no fixed principles whatever, and that it could not be asserted, with the exception of the metropolis—and it might not be entirely true there—that over any large area, such as a county, the systems upon which outdoor relief was given were the same, for in almost every county there was some marked exception and variety in the administration. In the Union there would be some little strictness, in another great laxity; while in another Union the law would appear to be administered consistently and without favour. It followed, therefore, that the proportion of outdoor paupers to indoor paupers differed widely all over the kingdom—the amount of pauperism increasing invariably with the liberal gift of outdoor relief, great evils arising in the form of reduced wages, the charitable feeling on the part of the upper orders weakened, and very great uncertainty, vexing the poor, as to the amount of relief they might get on the day they went before the board of guardians. The deputation desired to bring under the President's notice a few of the principles and practices which had been adopted by those Boards, which had devoted much time and attention to the honest working of the Poor Law Act, 1834, and had done so with effect and good result. They would be found in the definite proposals which the deputation had to make, though there were changes requiring distinct legislation, with others that might be effected by orders from the Local Government Board. They suggested, in order to give better effect to the principle of the poor law—1. That boards of guardians be empowered to frame bye-laws which, when duly approved by the Local Government Board, should have the force of orders until revoked by authority. 2. That the liability for the maintenance of a pauper be extended to grandsons of the pauper. 3. That all relief be recoverable at the discretion of the guardians within a certain limit of time after the stoppage of relief. 4. That a money value should be put upon all medical relief in order that it may be recoverable. 5. That power should be given to justices in petty sessions, on the certificate of the medical officer of the district, to order the removal of an applicant, who is "without proper lodgings and accomodation," to the workhouse of the Union. 6. That no out-relief should be given for a longer period than thirteen weeks without a fresh application. 7. That boards of guardians be empowered (if they have not the power already under section 13 of the Poor Law Amendment Act, 1876) to subscribe to the publication of reports of the conferences held in the various poor law districts. The proposed alterations in the outdoor relief prohibitory order of 1844 were: In article 1, to exception 2, add—"That no relief out of the workhouse be granted for a longer period than for one month at a time;" to exception 3 add, "A funeral should be wholly undertaken by the guardians, or not at all;" to omit exception 4; to exception 5 add, "The Local Board should, by an instructional letter, recommend, instead of giving out-relief, the plan of relieving widows with dependent children, by taking some of the children into the workhouse or district schools, stating the conditions and securities under which this course is desirable."

The President.—That is the present metropolitan plan.

Mr. Pell.—In our Union, in St. George's-in-the-East, it is done.

Mr. Lumley.—That is only to be done by instructional letter. What would be the force of that if the guardians would not do it?

Mr. Pell.—Well, it is to give a formal sanction to the experiment.

Mr. Lumley.—That has been very often recommended by the Board.

Mr. Pell.—But suggesting also conditions and securities to satisfy the weak prejudices of many people on that point. Then the deputation asked for the omission of the 6th, 7th, and 8th of the exceptions to article 1, viz., that of outdoor relief in favour of wives of persons such as soldiers, sailors, and marines; and the 8th exception also, where any able-bodied person, not being a soldier or sailor, should not reside within the Union, and providing that his children should be within the Union. Then as to article 3, which had to do with non-resident paupers, they suggested that the exceptions should be in favour of the persons who had casually become destitute within any parish should be struck out. That the exception 2—"where such person should require relief on account of any sickness, accident, or bodily infirmity"—should be struck out. No. 3 to be left. Fourth, Where a person being a widow, should be the first six months of her widowhood, &c.; 5th, where such person is a widow, who has a legitimate child depending on her for support, and who, at the time of her husband's death, resides in some place other than in the Union in which such parish should be comprised; and the 7th and 8th, the latter being almost a temporary one. The 7th exception being no relief which may be contrary to any regulations—where such person shall be the wife or child residing within the Union of some able-bodied man. Article 3. That no relief be given to non-residents, and that all the exceptions to this article should be rescinded, except Nos. 3 and 6, relating to suspended orders of removal and education, and the prohibitory order should be as far as possible made universal. That schedules to the outdoor relief regulation order, outdoor labour test order, and the supplemental outdoor labour test order should be revised. These are the proposals we wish to bring under your notice.

Mr. Layton Lowndes observed that the deputation made these suggestions with great deference, because the President had far wider experience than they could have, and therefore was more conversant with the subject; but they felt very strongly that the law had thrown upon the Local Government Board the absolute duty of issuing regulations for the guidance and control of guardians. Feeling as they did the very great evils that had arisen from outdoor relief generally, and from the way in which it was administered in different Unions, varying in some counties in an almost incredible degree where the circumstances of the Unions were precisely the same, the time perhaps had come when some more restrictive regulations might be passed by that Board, or the action of guardians in some other way controlled. Most of the changes recommended had worked

extremely well in the Unions where they had been tried. The first legislative change recommended was that boards of guardians should have power to frame bye-laws, which when duly approved should have the force of orders. Under the present management the proper action of Boards frequently depended upon the influence exercised by two or three guardians, and it was quite possible if these ceased to attend the Board might fall back into as corrupt a system as they might have emerged from: it was to prevent this that either a more stringent regulation order should be given, or there should be power in the board of guardians to enact bye-laws, which, when they had received the assent of the Local Government Board, should become binding upon that particular board of guardians. Of course it was to be understood that those bye-laws could not in any way relax the regulations put out by the central authority. Where a Board had been practising for some time and working on a more strict rule than was laid down absolutely by the order, and it was found that that really answered, they should have the power to stereotype that rule, and compel the guardians in future to work on that line, and not fall back into their old laxity. If that power were given, there were many things that might be done by the bye-laws. With regard to the liability to support a pauper being extended to grandsons, that seemed quite natural; it was only right that grandsons should be made to support their grand-parents. The next point is that all relief should be recoverable within a certain limit of time after the stopping of the relief. If that could be done it would have great power in preventing applications for outdoor relief. A man may have been in receipt of good wages as a collier, and in the course of three or four months after his relief was stopped he may be perfectly strong and able to earn his old wages, and there should be a power to recover from that man the cost incurred in keeping him. This would go far to help benefit societies and encourage thriftiness if he was liable to be called upon to repay the relief which he had received.

The PRESIDENT.—Will you say what you meant by stating that it was your opinion that if this regulation were to come into force there would be less application for outdoor relief?

Mr. LOWNDES replied that he thought that if people had to pay for it, they would not go into the Union; and that if they knew they would have to repay it, there were many cases where they would not come for it.

Mr. LUMLEY observed that the repayment by the pauper for relief was the advice given to the Poor Law Commission very early after the passing of the Poor Law Amendment Act, and on that advice they had always acted. The Local Government Board think the Act meant differently, but they had always so acted upon it.

Mr. PELL.—Could a board of guardians say to a destitute person, "You shall not come into this house except under conditions"?

Mr. LUMLEY.—Yes; they can say to any person, "You may have this relief, but we declare it to be given upon loan," and if the opportunity arises you shall be able to recover it.

Mr. LOWNDES.—What we suggest would also meet a case of this kind. A person has been in the workhouse for a certain number of months, comes out and receives a legacy; it would enable the guardians, if they choose, to pay themselves, or sue the person for the repayment of the relief, whereas now they have no power, because the person is not a pauper at the time when the legacy was received.

Mr. LUMLEY.—If it had been so declared, as mentioned, they might have recovered the amount from any person.

Mr. LOWNDES.—There should also be some power, we think, to put a certain definite money value on the attendance of medical officers. The fifth recommendation is not in restriction of outdoor relief, but one intended for the protection of the poor. It is analogous to the power now given in the Sanitary Acts, where the magistrates can order that a person suffering from an infectious disorder, and who is without proper lodging and accommodation, should be sent to an hospital. We ask that power should be given to justices in petty sessions, on the certificate of the medical officer, to order the removal of an applicant, who is without proper lodging and accommodation, to the Union. We find that persons living in miserable huts sometimes absolutely refuse to come into the workhouse, where they would be in comparative comfort; and we give out-relief because we do not wish the person to starve. It would be better to compel that person to come into the infirmary.

The PRESIDENT.—Would you apply that to paupers as well as non-paupers?

Mr. LOWNDES.—We are only speaking for the pauper. With regard to the prohibitory order with respect to article 1, relief given to able-bodied people in sickness should be limited to one month at a time, so as to bring the case frequently before the Board. Exception 3 should be limited. The funeral should be wholly undertaken by the guardians or not at all.

Mr. LUMLEY.—This order only deals with the parent or person responsible for the burial. It would be necessary to re-consider the statute and not to alter the order.

Mr. LOWNDES.—Quite so. Then, with regard to exception 4, enabling guardians to give out-relief to an able-bodied widow without children during the first six months of widowhood, we think that opens the door to a great deal of pauperism which may be avoided, and which is not at all necessary. Exception 5, which allows out-relief to be given to widows with legitimate children, is a most fruitful source of pauperism. The experience of those Unions that have had the moral courage to refuse, in most cases, out-relief to able-bodied widows with families is that it checks pauperism and the growth of pauperism very effectually. The widow has the offer of relief by taking some of her children into the workhouse or district school. In many cases there are relations to whom the children are sent and pauperism is avoided. If the children go to the school the widow is not pauperized, and is taught self-reliance; while the children are educated, sent to service, and become able to help the mother.

The PRESIDENT.—Do you think there is no objection to the taking in of these children, and providing for them year by year? I have had my attention drawn to that question.

Mr. LOWNDES.—The widow who has children is looked after, and if she marries we stop the relief; and when the parent has a proper home the children go home from time to time to see their mother.

The PRESIDENT.—It is very difficult to turn children out of the school when they have been training there, assuming the mother could support them.

Mr. LOWNDES.—We don't usually do it.

Mr. PELL remarked that he never heard a woman praise the Institution of St. George's, Leeds; they cannot bear to separate from their children. With regard to the children passing out of the schools, he would not say that his Union had not brought in children to their schools who ought not to have been there; but with respect to children going out when they were fit, that was often the case. They had thirteen children to go out, and 120 applications for them for service.

The PRESIDENT said the objection to it was that, to a great extent, it severed the parental guardianship, and brought the child up under the parish, and relieved the parent altogether from responsibility. There were 1,500 children in workhouses in London whose parents were receiving outdoor relief, and he was not at all prepared to say there was not a great deal of abuse under that head. At what age would they take the children from the mother?

Mr. LOWNDES.—We do not send them to our district schools until they are five years old. We consider that the widow ought to support one or two of her children if she is a strong woman. We find it difficult to make exceptions under that head, and wish the Local Government Board to place some restrictions on exception 5.

Mr. LUMLEY.—We cannot sever the child from the mother until it is seven years old; that *dictum* prevails, and it is difficult to get rid of it.

Mr. LOWNDES.—The experience of many Unions shows that exceptions 6, 7, and 8 to article 1 may be altogether omitted. It has worked well in our Union. We never give any relief to a woman whose husband is in gaol. As to article 3, non-resident relief may be entirely prohibited except under exceptions 3 and 6. We may not recommend any alterations in this order except such as have frequently stood the test of experience, and think the time has now arrived when an improved method of administration may in some way be imposed upon all boards of guardians alike.

Mr. JACSON said that one suggestion agreed to at the

conference was that the Local Government Board should be requested to limit the granting of out-relief upon a single order to thirteen weeks as a general rule. It had been the practice in many Unions not to assign any limit whatever, and cases were allowed to run on subject to the theoretical supervision of the relieving officer, which was seldom reduced to practice. Therefore it was thought desirable that a fixed limit should be assigned, and that thirteen weeks should be the limit. He spoke from a knowledge of how the work of a relieving officer was performed. During the last few years the number of relieving officers had been in his Union considerably reduced, and still the work was done equally well. With regard to the prohibitory orders the whole subject-matter, he thought, might be dealt with in one, and made generally applicable to all the Unions throughout the country. No one, he said, could help being struck with the different interpretations put upon the prohibitory orders at present. It would be found that in every district and county the practice of Unions differed in the mode of granting out-relief. Therefore, definite general rules from the Local Government Board were required, and they should be applied to the utmost extent practicable by that Board. In the North of England the guardians had a strong disinclination to be interfered with. That feeling of independence made it necessary to suggest to the Local Government Board the advisability of giving the power to boards of guardians to make bye-laws for their own government so far as their discretion may be trusted—such power not to be used to relax the stringency of the general rules laid down for their guidance, the intention being that the spirit of the poor law should be everywhere observed as that Department understood it. With regard to the children of widows question, relief granted for them in the way suggested as an alternative for outdoor relief would give substantial relief in a great number of cases of temporary inability to maintain a family. There were many cases where relief was now given, on the explanation of the relieving officer that the earnings of the family were insufficient. If some of the children could be taken for a few weeks or even a year from home and provided for in the school or workhouse, it would give, no doubt, substantial relief, and would carry with it a certain degree of test, which would in many cases prevent the continuance of pauperism in that family. In reference to the discharge of duties of guardians, a little more freedom should be given them to provide the means of diffusing information amongst themselves as to the orders of that Board, and on other subjects relating to the duties of their office. At present they were almost without access to any practical information whatever. If a book were taken away all the other guardians were inconvenienced. In relief cases few guardians knew anything of the authority under which they acted, and they had to depend on the relieving officer for their instructions. Many would take more interest in the work if they were not tied so tightly as they were by the present rule. The feeling was also strong in favour of extending the tenure of office to the guardians as a step towards the better administration of the laws they have to administer.

Mr. PELL.—I may tell the President that this is an entirely individual opinion of Mr. Jacson's. With regard to the printed matter, it has never interfered with our printing, but there is a difficulty in the purchase of periodicals.

The PRESIDENT.—I never heard of any difficulty being raised as to the publishing of the pauper lists and reports.

Mr. LUMLEY.—That is a special order which provides specifically how it may be done, and gives authority to the guardians for publishing all the accounts of the Union.

Mr. PELL.—The question had arisen as to the legality of the purchase of a book or periodical, and they would like to have the opinion of the authorities upon it, and if it could be changed either legislatively or by order of that Board.

Mr. LL. BAKER, having taken considerable interest in the conference, could bear testimony to the difficulty raised about the purchase of reports and periodicals. He had purchased very many, but at all times paid for them out of his own pocket. It would be well if there were means adopted for spreading the information through the country.

Mr. HOLLOND said, as to the time for taking children into pauper schools, it seemed to him necessary that that Board should see to that. He knew one Union in London where the officials thought the practice illegal, and he could not help thinking that if a definite recommendation were come to by that Board it would be generally accepted. They had introduced the word "security" because it was obvious that there were certain dangers in the mode of relief on security as to whether the relief should be given for three or six months or for a year. The question was whether the whole children should be taken from the widow or whether she should be left with one or two, and it was clear that the carrying out of the plan of that kind should be left to be decided by a plan from that Department. Some restriction by an order having the force of law would be desirable in favour of the poor, who suffer considerably from not knowing how much provision they should have to provide for themselves. There was no guarantee whatever that in ten or five years hence the present laborious work certain guardians have gone through in order to bring about a good administration might not be entirely lost by a total change of policy. That would be bad for the ratepayers and injurious to the poor. The poor would never be made to feel that they must provide for sickness and old age until they feel that their chance of getting relief was almost absolutely *nil* in their cases. He felt that there were in that Department all the materials for forming a better judgment than the deputation had, that every single inspector who had examined into the question had come to the conclusion that there were very great abuses, and had recommended certain changes. Therefore it was felt that if they put those proposals forward they were principles to go upon, and, hoped that some further regulations would be made by that Board, the responsibility of refusing outdoor relief should be shared by the Local Government Board with local boards.

The PRESIDENT, in reply, said that about a fortnight ago he had received a suggestion from the poor law conference which met in his own county, upon which he had already taken some action. It was to the effect that the Local Government Board should consider whether it would be expedient to re-issue, in an official form addressed to the guardians, a circular which was sent to all the general inspectors about the end of the year 1870, upon the subject of a better administration of outdoor relief. The issue of that circular corresponded very nearly with the improved administration as regarded outdoor relief which has since been in force. He had already consulted the inspectors on the subject as to whether it would be expedient to re-issue in any shape the circular referred to. The deputation had divided under two heads their suggestions for improvement in the administration of poor relief, first by means of legislative amendments, and secondly, by means of action to be taken by this Department. There was one practical objection to legislation, which the experience of a few years had brought before him very forcibly. Subjects relating to poor law administration had become so interesting, not only to members of Parliament, but to a vast number of persons out of doors, that time absorbed in carrying small measures of this kind to a practical issue was out of proportion to the value of the time occupied in passing them. He did, however, look forward to legislation on the subject of the poor laws, and he hoped to be able, at no distant date, to consolidate the whole of the poor law, and at the same time to introduce such amendments as the experience of forty years had shown to be necessary. There were some suggestions made by the deputation which were quite in accordance with the feelings of his department, and one was as to the limitations of time within which outdoor relief should be permitted to be granted. These would be limitations which no board of guardians could consider offensive, for the amount and kind of relief would still be left to their determination. With regard to bye-laws, it was obvious that the benefit of bye-laws, which would necessarily emanate from the guardians themselves, would be restricted to those districts and Unions where the law was already well administered without any bye-laws. He agreed with Mr. Lowndes that it was a pity to see the administration of the law in a Union where an efficient system fell back to a low level under the administration. He would not enlarge upon the question of obtaining powers to determine the money value of medical attendance in cases where medical relief was given on loan. He was disposed to think, however, that some simple regulations might be adopted to give effect in this respect to the object of the deputation. It was hardly a thing to be dealt with in a Bill by itself. It might

be very well to try and settle the question. It had been suggested by more than one speaker that the prohibitory order should be made universal. He believed that was a policy which had never been thought possible at that office, but he was by no means of opinion that the time had not arrived for considering how far the provisions of the order might not be extended. In manufacturing and populous places, however, it certainly was extremely doubtful whether the universal extension of the prohibitory order could be usefully insisted upon. He wished as little as possible to invade the self-reliance and independence of boards of guardians. It was extremely difficult, knowing the means by which boards of guardians were elected, to insure that every man had right views and principles on the subject. Every board of guardians which sent a deputy to a conference like that out of which the deputation sprang was armed with very considerable discretionary powers, and, speaking generally, much had been accomplished throughout the kingdom in the direction desired. The modification of the prohibitory order through all the exceptions to which Mr. Pell had drawn attention was a serious and important undertaking. He must not be supposed to say that the time had not arrived when the order might be amended, but from what he had observed then, they would see the importance of one of the questions which would arise, namely, whether the orders should be extended and made universal. In almost all those respects in which the order was alleged to be deficient the guardians were able to do for themselves all that they might desire to be done by the interference of the Board. As to the question of receiving the children of widows into the workhouse instead of giving outdoor relief, he scarcely thought that the Board would lay down specific regulations on this point, unless there was much more pressure of public opinion than had hitherto been experienced. He would now only repeat that if they would formulate and elaborate the points brought forward that day, and submit them as their united recommendations, he would be happy to furnish such an answer as would, at any rate, form a standpoint from which the question might be viewed.

The deputation thanked Mr. Sclater-Booth and retired.

Appointments, Etc.

Mr. Charles Fitzwilliam Cadiz, barrister, has been appointed a Puisne Judge of the Supreme Court of the Colony of Natal. Mr. Cadiz is a graduate of Pembroke College, Oxford, and was called to the bar at Lincoln's-inn in Trinity Term, 1855. He was for some time acting-Clerk of the Council for the Island of Trinidad, and he was appointed a stipendiary magistrate in Tobago in 1862, and Attorney-General of that colony in 1866. He is also a member of the Privy Council and Legislative Assembly of Tobago.

Mr. Joseph John Corbin, solicitor (of the firm of Gard & Corbin), of 2, Gresham-buildings, Basinghall-street, has been appointed a Commissioner for taking Affidavits in the Supreme Court of the Colony of South Australia.

Mr. George Philippo has been appointed Attorney-General for the Colony of Hong Kong, in succession to Mr. John Bramston, appointed an Assistant Under-Secretary of State for the Colonies. Mr. Philippo was called to the bar at the Inner Temple in Hilary Term, 1862, when he obtained a certificate of honour of the first class, and he practised for several years at the bar in Jamaica. He was appointed Queen's Advocate at Sierra Leone in 1868, and for some time acted as judge of the court of summary jurisdiction for that colony. In 1870 he became Attorney-General of British Columbia, and in 1873 a puisne judge in British Guiana. Mr. Philippo also acted for several months as Attorney-General of Gibraltar, and he became junior puisne judge of the Straits Settlements in 1873, and senior puisne judge in 1874.

Mr. Augustus Henry Reid, solicitor, of Wrexham and Llangollen, has been appointed a Commissioner to administer Oaths in the Supreme Court of Judicature in England.

Societies.

LAW STUDENTS' DEBATING SOCIETY.

At the meeting of this society held at the Law Institution on Tuesday, the 23rd inst., Mr. Betts in the chair, the question discussed was as follows:—"Does the delivery of a dock warrant to a *bonâ fide* purchaser of goods represented thereby, give him a good title against a prior purchaser of the goods by contract without the delivery of the warrant? See *Zwinger* v. *Samuda* (7 Taunt. 265), *Lucas* v. *Dorrien* (*Ibid.* 278), *Cole* v. *North-Western Bank* (L. R. 10 C. P. 354)." Mr. Munton opened the question on the affirmative side, and Mr. Stanford on the negative, and after a full discussion the society decided in favour of the former side by a majority of three votes.

UNITED LAW STUDENTS' SOCIETY.

The annual inaugural meeting of this society was held on Monday evening in the hall of Clement's-inn, under the presidency of Mr. W. Forsyth, Q.C., M.P. Amongst those present were Mr. A. G. Marten, Q.C., M.P., Mr. Serjeant Simon, M.P., Professor Sheldon Amos, Mr. Montague Cookson, Q.C., Messrs. J. C. Davies, W. Dawson, B. G. Lake, and Fairfoot.

The Chairman, in opening the proceedings, alluded to the practical interest which he had taken in his earlier years in debating societies, observing that the older he had become the more he was convinced of their utility and importance. The objects of the society whose members he was addressing were threefold—first, the promotion of the interests of the students and of the legal profession; secondly, the acquisition of information upon subjects connected with the study and practice of the law; and thirdly, the cultivation of the art of public speaking. With regard to the first, it was an axiom that it must promote the interests of law students and the profession to meet and debate questions of law and of general interest. With regard to the second, it was impossible to exaggerate the importance of their discussions to law students. Legal questions happily were not confined merely to technical points of law, but embraced a wider scope. There was, for instance, the great question of law reform. Surely they who hereafter might be some of the ministers of the law ought to have their minds enlarged and their intellects strengthened so as to be able to contribute something towards the improvement of the science of jurisprudence? Looking back a few years at the then state of the law there was much room for thankfulness and hope. At the beginning of this century our criminal law was written in letters of blood, and when in the early part of the century a Bill was introduced to abolish capital punishment for stealing in a dwelling-house property above the value of five shillings, Lord Ellenborough, in an agony of terror, implored the House of Lords not to pass so dangerous an innovation. Our civil law, too, not long ago was debased and degraded by a mass of technicalities. That abominable system of chicane called special pleading, which now lay entombed in the sixteen volumes of Meeson and Welsby, a melancholy monument of misapplied knowledge and perverted ingenuity, then flourished in full vigour, and was a constant source of iniquity and injustice. That state of things was now changed, and our judges sought to arrive at the substantial merits of a case instead of showing their acumen by finding out little technical points to the injury of suitors and the detriment of justice. Much, however, still remained to be done. There was, in the first place, the question of codification. How long were we to allow an incoherent mass of contradictory decisions scattered through a thousand volumes to puzzle the practitioner, and even cause perplexity to the judge? How long, also, were Acts of Parliament to be such that on the one hand there should be judges in the courts declaring inability to interpret the meaning of Parliament, and, on the other hand, a minister of the Crown, retorting upon the judges that they were endeavouring unjustly to sneer at the wisdom of Parliament? The questions of fugitive slave circulars, extradition treaties, the power of the Crown by its own prerogative to cede territory in time of peace, the limitation of English territory as argued in the case of *The Franconia*; and, again, the numerous questions of international law—all these things showed that in discussing legal questions they were not confined to narrow

points of technical detail, but that by accustoming themselves to argue them, and to investigate history, they were preparing themselves hereafter in the Senate or elsewhere to take part in questions affecting the great interests of the country. To argue legal questions, so far from narrowing the mind, would enlarge and enlighten it. Speaking next of the art of public speaking, the learned chairman urged the necessity of study, reflection, and practice. They must not only study the best models, but must accustom themselves to the sound of their own voices and the sight of upturned faces, more especially in their earlier years; and he advised every young man to write out his speeches beforehand, though not to learn them by heart. A speaker should never forget the character of the age in which he lived, and in conducting an argument he should never overstate his case, should keep steadily in view the points to be controverted, should remember that all errors have a sub-stratum of truth, and be ready to advance the line of defence into one of attack. In conclusion he urged his hearers to remember that the animating spirit of the legal profession ought to be the soul of honour, and to take care that the robe of justice, while in their keeping, should never be stained by meanness, trickery, or fraud.

Mr. A. G. MARTEN, Q.C., M.P., moved—"That, having regard to the present condition of the law, it is desirable that law students of both branches of the profession should meet together for the consideration and discussion of questions of interest to the profession at large, and that law student societies, as offering facilities for that object, deserve the hearty support of the whole profession." He was glad to find, not only that that society had a financial surplus, but that it was becoming a united law students' society composed of both branches of the profession. Last year there were seventy new members, of whom twenty were barristers and law students, and the remainder, with one exception, solicitors and articled clerks; and the total of one hundred and nineteen members largely represented both branches of the legal profession.

Mr. M. COOKSON, Q.C., seconded the resolution, which was unanimously adopted.

Mr. Serjeant SIMON, M.P., moved—"That it is desirable for law students to consider and discuss questions, not only of purely legal interest, but also of public and general importance, since a lawyer should be as well a man of culture and general information, as also well versed in matters pertaining to his own profession." Adverting to some observations which had been made with regard to legal examination, he said he was in favour of compulsory legal examination for both branches of the profession, but if he were compelled to make a choice of a period of examination he should say the commencement of a student's career, especially in the case of a student for the bar. He would not allow any student to enter upon a profession requiring such extensive knowledge and such a range of mind and thought who did not bring to it, in the first instance, sure proof that he had at least received the education of a gentleman.

The resolution having been seconded by Professor SHELDON AMOS, and supported by Mr. W. J. FRASER, was unanimously adopted, as were also votes of thanks to the friends of legal education who had taken an interest in the society, to the Hon. Society of Clement's-inn for the use of the hall for the society's meetings, and to the chairman for presiding.

At a meeting of the society held at Clement's-inn Hall, Strand, on Wednesday, the 24th inst., the following formed the subject of discussion:—"A., riding in a Hansom cab, is injured by a collision caused by the negligence of B., and the contributory negligence of the driver of the Hansom cab. Can A. successfully sue B.?" The case of *The Milan* (31 L. J. P. M. & A. 105) was principally relied on for the affirmative; *Thorogood* v. *Bryan* (8 C. B. 115), supported by *Armstrong* v. *Lancashire and Yorkshire Railway Company* (23 W. R. 295), being cited for the negative. After a very full discussion the motion was negatived by a majority of seven, on the ground that, in spite of *The Milan* and other cases quoted, the decision in *Thorogood* v. *Bryan* was still good law and met the case.

LEEDS LAW STUDENTS' SOCIETY.

The inaugural meeting of the above society was held on the 22nd inst. Mr. W. T. S. Daniel, Q.C., president, occupied the chair. There was a good attendance, which included Mr. Vincent Thompson, Mr. Thomas Marshall and Mr. J. S. Newstead.

The objects of the society, as stated in the published rules, are the discussion by its members of legal and jurisprudential subjects, the delivery of lectures and the reading of papers on the above subjects, either by its members or by any persons whom the committee may think fit to invite; the advancement of its ordinary members in the knowledge and study of the law and the cultivation of the art of public speaking.

The PRESIDENT, after expressing the pleasure he felt, as an old articled clerk, in being present, stated that to all law students he would say, "Bear in mind that what you are entering upon is an honourable profession, a profession in which your desire should be to qualify yourself for the duties which you may be required to undertake; never allow your profession to be degraded into a trade; never make the mere acquisition of money or wealth the prime object of your labours, but let your object be to distinguish yourself in such a manner as you may acquire the confidence of those who may come under the influence of your practice." A law student in the present day stood in a very different position from the law students of his day. When he was an articled clerk there were no such things as examinations, nor were there those means for law students to acquire information and knowledge which existed nowadays. He would advise the young articled clerk not to be above the details of what might perhaps be called the drudgery of the profession, and, having mastered the details, let him interest himself in every matter of business which his employer gave him the opportunity of making himself acquainted with. He should also pursue his reading systematically. In preparing for examination he should not adopt a system of mere cramming. The field of law was so wide that a student would act wisely if he confined himself to that particular branch for which he had a taste. There were some offices in which the chief business was of a commercial nature, others where it was of a criminal character, and others where it related to conveyancing or bankruptcy; and the student would do well if he confined himself to the particular branch of the law practised in the office where he was articled. In whatever branch he made himself interested he should do his work thoroughly. But a law student should not content himself with being a student of law only. He should follow some other intellectual pursuits. If he would qualify himself for the honours of the profession, he would do well to pay attention to the historical study of the law, and if he had a taste for classical literature this taste should be cultivated. He would find in the study of botany or geology considerable intellectual enjoyment and a means of recreation. The speaker advised his hearers to avoid all amusements which afforded merely sensual gratification, and said it might not be out of place to give a hint with reference to the habits of young men of the present day if he lifted up a warning voice against that vice which seemed to be growing up in every direction—the vice of gambling. These suggestions might seem to be rather lugubrious, but they were suggestions of warning intended to benefit them. Let him remind them that the branch of the profession to which they belonged was year by year increasing in importance over the other branches of the profession; he believed that the influence of the solicitor was waxing in every direction, and that those who succeeded in obtaining the right to be admitted on the roll of solicitors had before them a wide field of professional distinction and advancement. Municipal honours, and municipal offices, attended with honour, were within the reach of all; they might by honourable and successful practice so win the confidence and good opinion of those among whom they lived that they might become mayors of the various towns in which they practised. Parliamentary honours were also open to them. There was also that which was a higher distinction still, namely, the bench. He mentioned the cases of Justices Field and Manisty as the most recent cases of the advancement in life of law students who were originally articled clerks. The path of preferment was thus clear and open to all, and he congratulated the members of the society upon its formation. He suggested that as Mr. Serjeant Tindal Atkinson was his brother judge in Leeds, he should also be his co-president of the society. He predicted that the proposed fortnightly meeting of the society for the discussion

of legal propositions would result in much good to the students.

Mr. VINCENT THOMPSON said he hoped that the society would have in it more vitality than the one which existed for a short time some years ago. He thought the attendance of students that evening was a good omen for the future. He exhorted his hearers to lay to heart the excellent advice given by the president. In that society the members would get a freshness of knowledge which they would not obtain from mere reading of books, and he hoped that they would take care to make due preparation for the discussions which would take place, for they must bear in mind that the time they occupied in preparing a case for argument at the meeting of that society would be well employed.

The PRESIDENT remarked that when he first went to London he joined a law society for discussion, and the four leading speakers at those meetings afterwards distinguished themselves. They were the late Sir John Rolt, the late Mr. Justice Keating, Sir John Byles, and Mr. John Wm. Smith, the author of "Leading Cases."

Mr. THOS. MARSHALL spoke of the value of debating societies in acquiring knowledge and fluency of expression.

Mr. SHAW (hon. secretary), in proposing a vote of thanks to the president, said the society had started with twenty-six members.

Mr. MEREDITH (treasurer) seconded the motion, which was carried, and the meeting concluded.

Obituary.

DR. ARTHUR EDWARD GAYER, Q.C.

Dr. Arthur Edward Gayer, Q.C., of the Irish bar, died at Abbotsleigh, Upper Norwood, on the 12th inst., in his seventy-sixth year. The deceased, who was descended from an ancient Cornish family, was the eldest son of Major Edward Ecklin Gayer, of the 67th Regiment, by the daughter of Mr. Conway Richard Dobbs, M.P. for Carrickfergus. He was born in the neighbourhood of Newcastle-under-Lyme in 1801, and was educated at Durham Grammar School and at Trinity College, Dublin, where he obtained honours both in science and in classics, and graduated LL.D. He read law for some time in Lincoln's-inn, and he was called to the Irish bar in Trinity Term, 1827. He practised mainly in the Admiralty and Ecclesiastical Courts, and in 1844 was made a Queen's Counsel. Dr. Gayer was appointed Chancellor and Vicar-General of the diocese of Ossory in 1848, and of Meath, and also of the united diocese of Cashel, Emly, Waterford, and Lismore in 1851, and an ecclesiastical commissioner for Ireland in 1859; all which offices he vacated on the disestablishment of the Irish Church in 1869. He was a Conservative and a warm supporter of the Protestant interest, and in 1858 he contested the representation of the University of Dublin, but, notwithstanding the support of a majority of the professors and resident fellows, he was defeated by the late Mr. Anthony Lefroy by a small majority. Dr. Gayer was a man of literary and scholarly tastes. He published in 1870 (for private circulation) "Memoirs of the Family of Gayer," and he was for several years editor of the *Irish Temperance Gazette*, and the *Catholic Layman*. On the discontinuance of the latter publication in 1870 (owing to Dr. Gayer's failing health) he was presented with a piece of plate worth 500 guineas. He also wrote several pamphlets in opposition to disestablishment. Dr. Gayer had been twice married, and he leaves two sons and two daughters.

MR. RICHARD BOYER.

Mr. Richard Boyer, solicitor, of 14, Old Jewry-chambers, died at his residence, 20, Park-terrace, Highbury, on the 14th inst., in his fifty-first year, after a few days' very severe illness. Mr. Boyer was born in 1826, was admitted a solicitor in 1847, and shortly afterwards went into partnership with the late Mr. Edward Lawrance, and with Mr. Thomas Plews, the firm being joined at a later date by Mr. William Frederick Baker. Mr. Boyer was a Scotch agent, a commissioner to administer oaths in the Supreme Court of Judicature, a perpetual commissioner for London, Westminster, and Middlesex, and also a commissioner for oaths in the Supreme Court of Western Australia, and a commissioner to receive the acknowledgments of married women for that colony. About three years ago Mr. Boyer was elected a member of the Council of the Incorporated Law Society.

MR. WILLIAM KENDALL.

Mr. William Kendall, solicitor, died at his residence at Bourton-on-the-Water, Gloucestershire, on the 16th inst., at the age of eighty-two. Mr. Kendall was born in 1795, was admitted a solicitor in 1816, and had been for nearly sixty years in practice at Bourton. He was for many years in partnership with the late Mr. John North Wilkin, but of late years he had been associated with his son, Mr. Edmund Kendall, who was admitted a solicitor in 1853, the firm having also an office at Chipping Campden. He was a commissioner to administer oaths in the Supreme Court of Judicature, and a perpetual commissioner for Gloucestershire, and he carried on a large private practice. His politics were Liberal. He retained all his physical and mental powers till about a month ago, when he was attacked with paralysis. He rallied to some extent, and it was hoped that he might recover, but owing to his great age he was unable to regain his strength. He was buried at Bourton on Saturday, the 20th inst.

MR. ROBERT SMART.

Mr. Robert Smart, the oldest solicitor in the county of Durham, died at his residence, 18, John-street, Sunderland, on the 13th inst. Mr. Smart was born in 1787, and was admitted a solicitor in 1810, and had since practised at Sunderland. He was a notary public and a perpetual commissioner for Durham. He also held for several years the office of clerk to the Commissioners of the Wearmouth Bridge, and his private practice was large and important. He was formerly in partnership with Mr. Thomas Collin. Owing to increasing age Mr. Smart retired about six years ago, relinquishing his practice to his son, Mr. Collin Smart, who was admitted in 1858. He was buried on Friday, the 19th inst., in the family vault in Bishop's Wearmouth Churchyard, the funeral being attended by the members of the Sunderland Law Society, and by a large number of friends and neighbours.

MR. JOSEPH HUCKWELL.

Mr. Joseph Huckwell, solicitor and proctor, died at Llandaff on the 11th inst. Mr. Huckwell was admitted a solicitor in 1858, and had since practised at Llandaff. He was married to a daughter of Mr. Edward Stephens, solicitor, at whose death he succeeded to the offices of chapter clerk of Llandaff, and registrar of the archdeaconry of Llandaff, and the consistory court of the diocese. He was also registrar of the diocese (jointly with Mr. Simon Dunning, of Westminster), and registrar of the district probate registry of the High Court. Mr. Huckwell discharged his varied and onerous duties with much courtesy and ability, and enjoyed the friendship and confidence of the Bishop of Llandaff, and the leading clergy of the diocese, many of whom were among his clients.

MR. FRANCIS WORSHIP.

Mr. Francis Worship, solicitor, died at his residence, Trafalgar-road, Yarmouth, on the 6th inst., in his seventy-sixth year. Mr. Worship was born in 1801. At an early age he was admitted a solicitor, and practised at Yarmouth in partnership with his brother, Mr. William Worship; but he retired from business many years ago. He was for many years one of the town council of Great Yarmouth, and in 1858 he was elected mayor of the borough. In the following year he was appointed a magistrate for the borough, and a deputy-lieutenant for the county of Norfolk. Mr. Worship was a leading

member of the Conservative party at Yarmouth, and was very zealous in his attention to all matters of public interest; and was very active as a magistrate, his legal skill and experience making his services most valuable. He was buried on the 11th inst. in his family vault at Caister Church.

Legal News.

A correspondent incloses the following advertisement from the *Birmingham Daily Post*:—"Arrangements with creditors speedily effected, avoiding publicity or suspension of business. If summoned write at once. Cash advanced for pressing claims, payment of composition, &c. Consultation free.—Address A. 1049 Daily Post"; and inquires—Is there no remedy against people who send out advertisements such as this? If not, it is most discreditable both to the legal profession and to society.

At a meeting of the Salford Town Council, on the 24th inst., the mayor moved, in accordance with a resolution of the Finance Committee, that the salary of the town clerk (Mr. C. Moorhouse) be advanced from £1,000 to £1,300 a year. He said that in his opinion no corporation was better served by its town clerk than that of Salford. During an experience of upwards of two years they had seen his business qualities and appreciated them, and in legal proceedings he was a man who had saved them large sums of money by his tact and general good management. Mr. Alderman Harwood seconded the motion, which was supported by Mr. Walker, and passed unanimously. The town clerk, who had retired during the discussion, re-entered the room and thanked the council in appropriate terms.

Mr. George J. T. Merry writes to the *Times*:—"In the *Times* of the 16th inst. you were good enough to allow me to draw attention to the hardship experienced by myself and others while serving on the jury at the last sessions of the Central Criminal Court; but, as the question may also be viewed from another aspect, I venture to refer to the subject again. I allude more especially to the system in vogue for summoning jurymen, and beg leave to quote my own case, because facts are better than arguments. In the month of July, 1873, I was called upon to serve at Westminster for ten days, and this month again for six days at the Old Bailey; or equal to sixteen days in exactly four years and a half; whereas a gentleman in the box with me last week had been eleven years without being called, and two neighbours of mine in this parish have, together, been seventeen years and never summoned to serve on juries. Though not a mercantile man, my time is valuable to myself, and, having what I thought was a pretty good case, I proceeded to argue it with the officers of the court. However, when my name was announced, with perfect good humour, they seemed rather disposed to make merry at my expense. They informed me that I had nothing whatever to complain of, because I had been properly called upon to serve, but that my two friends who had escaped scot free for so many years were really the aggrieved parties, and that the summoning officer ought certainly at once to look after their interests. This negative species of consolation afforded me little satisfaction, but finding that further representation was useless, as I was not likely to obtain much sympathy from the bench, I took my seat in the box as foreman. I freely admit that I sustained a signal defeat in this instance, but I attribute the result more to my own inaptitude to deal with it than to any defect in the merits of the case, and I can only express a hope that some person more able than myself may be induced to take the matter up. There can be no doubt that the laws under which we are required to serve on juries in England are the most arbitrary, the worst applied, the least understood, and the fittest for revision of any which govern her Majesty's subjects. The whole question requires sifting and re-organization. It is within my knowledge that a resident at Buckhurst-hill was twice summoned not very long ago during the same year, and on the second occasion had to incur the expense and loss of time of attending at the Chelmsford Assizes in order to claim exemption and avoid getting fined for not appearing."

On Saturday the judges of the common law divisions of the High Court of Justice held a meeting in the Lord Chancellor's room in the House of Lords, for the consideration, among other matters, of what is known amongst the judges as the "priority question," which has been raised in reference to the recent elevation of Sir George Bramwell, Sir Baliol Brett, and Sir R. P. Amphlett to the Court of Appeal; such appointments conferring the rank of seniority upon those three judges over their brethren of the High Court. Under the Judicature Act, they may be called upon, if necessary, to go circuit, and the question was therefore raised whether, by reason of their elevation to the Court of Appeal, they should or could take precedence over the other judges in the selection for themselves of the circuits which they would attend, or whether they should rank in the same scale of gradation in the nomination for circuits as if they had remained, and still were, judges of the court below. For instance, Sir R. P. Amphlett was appointed a judge long subsequent to Mr. Justice Mellor. Sir Baliol Brett was elevated to the bench after Mr. Justice Lush. Ordinarily the longest standing judges select for themselves the circuits they would prefer to go. The meeting occupied one hour and three-quarters, and it is stated that the learned judges took occasion to discuss many points of practice, as to the expediency of filling up the places rendered vacant by the transfer of the three judges to the Court of Appeal, the question of the judges' clerks in chambers, and other matters. After the termination of the meeting, the learned judges selected the several spring circuits which they respectively will go. They are as follows:—Western: Salisbury, Winchester, Dorchester, Exeter, Bodmin, Wells, and Bristol—Lord Chief Justice Cockburn and Mr. Justice Hawkins. Oxford: Reading, Oxford, Worcester, Stafford, Shrewsbury, Hereford, Monmouth, and Gloucester—Mr. Baron Pollock and Mr. Justice Lindley. North Wales: Newtown, Dolgelly, Carnarvon, Beaumaris, Ruthin, Mold, Chester, and Swansea—Mr. Justice Lush. South Wales: Haverfordwest, Cardigan, Carmarthen, Brecon, Presteign, Chester, and Swansea—Mr. Justice Mellor. Midland: Aylesbury, Bedford, Northampton, Leicester, Oakham, Lincoln, Nottingham, Derby, and Warwick—Sir R. P. Amphlett and Mr. Justice Denman. North-Eastern: Durham, Newcastle, York, and Leeds—Lord Chief Justice Coleridge and Mr. Justice Lopes. South-Eastern: Lewes, Maidstone, Chelmsford, Hertford, Huntingdon, Cambridge, Bury St. Edmunds, and Norwich—Sir George Bramwell and Sir Baliol Brett. Northern: Carlisle, Appleby and Lancaster, Manchester and Liverpool—Mr. Baron Huddleston and Mr. Justice Manisty.

Courts.

COUNTY COURTS.

HEXHAM.

(Before T. J. BRADSHAW, Esq., Judge.)

Jan. 12.—*Ridley* v. *Herdman.*

Landlord and tenant—Custom for outgoing tenant to pay tithe rent-charge becoming payable immediately after termination of his tenancy.

In this case the plaintiff was the incoming tenant of a farm in the parish of Slaley, in Northumberland, and the defendant was the outgoing tenant of the same farm.

The defendant quitted the farm on the 13th of May, 1875.

On the 1st of January, 1876, the rent-charge in lieu of tithes commuted under 6 & 7 Will. 4, c. 71, for the whole year of 1875 became payable, and the plaintiff, on the 10th of October, 1876, paid the same under ten days' notice from the tithe owner, and to avoid distress.

It was to recover £20 17s. 3d., the amount of this tithe rent-charge, that this action was brought. The proportion of the rent-charge up to the 13th of May, 1875, when the defendant quitted the farm, was paid into court.

Steavenson, for the plaintiff, put in the lease of the defendant, which was for five years from the 13th of May, 1870, and contained a covenant by the defendant to pay "during the said term" the tithe rent-charge "for the time being payable." He contended that he could engraft upon the lease a custom of the country that the outgoing tenant paid the tithe rent-charge becoming payable immediately after the termination of his tenancy, and thus the defendant would be legally or equitably liable to pay within the 14 & 15

Vict. c. 25, s. 4, by virtue of which statute this action was brought.

Evidence of such a custom was given. It dated from 1849, when the award for the commutation of tithes in the parish of Slaley under the 6 & 7 Will. 4, c. 71, was made.

Wilfrid Gibson (solicitor), *contrâ*, contended that under the 6 & 7 Will. 4, c. 71, s. 67, there was an express declaration that no personal liability should be thereby imposed for the payment of the rent-charge; therefore such liability could only be created by express agreement. The agreement in the case before the court was the defendant's lease, which expressly defined the period during which he should be liable to pay the rent-charge, viz., "during the said term," and any such custom as the plaintiff set up was a direct variance of the written agreement and not admissible. He further contended that such a custom being to give a right, viz., by creating a personal liability, which the general law denied, was distinguishable from ordinary agricultural customs, and must therefore be proved to have existed from time immemorial, and could not be established in the short period of twenty-six years; but, even if it could be established in so short a period, he submitted that if the defendant produced some evidence to contradict it, the plaintiff had not established such a clear custom as the court could take cognizance of.

Evidence contradicting the custom was given.

His HONOUR, after some consideration, said he would engraft on the lease the custom, which he considered the plaintiff had sufficiently proved, but as it was a very important case to landlords and tenants, and one upon which it would be extremely desirable to have a decision, he had taken very full notes, and he would give the defendant leave to appeal.

Judgment for the plaintiff, but without costs.

PUBLIC COMPANIES.

January 26, 1877.

GOVERNMENT FUNDS.

3 per Cent. Consols, 96¼	Annuities, April, '85, 9¼
Ditto for Account, Feb. 1, 96¼	Do. (Red Sea T.) Aug. 1908
Do. 3 per Cent. Reduced, 96½	Ex Bills, £1000, 2½ per Ct. 27 pm
New 3 per Cent., 96¾	Ditto, £500, Do, 27 pm.
Do. 3¼ per Cent., Jan. '94	Ditto, £100 & £200, 27 pm.
Do. 2¼ per Cent., Jan. '94	Bank of England Stock, — per Ct. (last half-year), 260
Do. 5 per Cent., Jan. '73	Ditto for Account.
Annuities, Jan. '80	

INDIAN GOVERNMENT SECURITIES.

Ditto 5 per Cent., July, '80, 104¼	Ditto, 5½ per Cnt., May, '79, 91
Ditto for Account, —	Ditto Debentures, 4 per Cents April, '64
Ditto 4 per Cent., Oct. '88, 104¼	Do. Do, 5 per Cent., Aug. '73
Ditto, ditto, Certificates —	Do. Bonds, 4 per Cent. £1000
Ditto Enfaced Ppr., 4 per Cent. 88	Ditto, ditto, under £1000
2nd Enf. Pr., 5 per C., Jan. '72	

RAILWAY STOCK.

	Railways.	Paid.	Closing Prices
Stock	Bristol and Exeter	100	—
Stock	Caledonian	100	124¾
Stock	Glasgow and South-Western	100	106
Stock	Great Eastern Ordinary Stock	100	50¼
Stock	Great Northern	100	130
Stock	Do., A Stock*	100	134½
Stock	Great Southern and Western of Ireland	100	—
Stock	Great Western—Original	100	164½
Stock	Lancashire and Yorkshire	100	136
Stock	London, Brighton, and South Coast	100	119¾
Stock	London, Chatham, and Dover	100	21
Stock	London and North-Western	100	148½
Stock	London and South Western	100	129
Stock	Manchester, Sheffield, and Lincoln	100	73½
Stock	Metropolitan	100	105½
Stock	Do., District	100	46¼
Stock	Midland	100	126½
Stock	North British	100	107¾
Stock	North Eastern	100	158
Stock	North London	100	137
Stock	North Staffordshire	100	67
Stock	South Devon	100	69
Stock	South-Eastern	100	128

* A receives no dividend until 6 per cent. has been paid to B.

MARRIAGES AND DEATHS.

MARRIAGES.

ILIFFE—HARRISON—Jan. 23, at the parish church of St. Martin-in-the-Fields, John Arthur Iliffe, of 2, Bedford-row, solicitor, to Ann Caroline Harrison, daughter of Thomas and Ann Caroline Harrison, of 2, Byng-place, Gordon-square.

ROSSITER—HOYLE—Jan. 20, at St. Andrew's Church, Newcastle-upon-Tyne, Thomas William Rossiter, of 13, Addison-road-north, Kensington, and 11, Gray's-inn-square, W.C., solicitor, to Marion Henrietta, daughter of John Theodore Hoyle, solicitor, and coroner for the borough and county of Newcastle-upon-Tyne.

DEATH.

SMART—Jan. 13, at 18, John-street, Sunderland, Robert Smart, solicitor, aged 88.

LONDON GAZETTES.

Professional Partnerships Dissolved.

FRIDAY, Jan. 19, 1877.

Tanqueray-Willaume, Thomas Butts, and Archibald Hanbury, 34, New Broad st, London, Solicitors. Jan 1

Winding up of Joint Stock Companies.

FRIDAY, Jan. 19, 1877.

UNLIMITED IN CHANCERY.

Plymouth Burial Society.—By an order made by V.C. Bacon, dated Jan 11, it was ordered that the above society be wound up. Park and Co, Essex st, Strand, agents for Beer and Rundle, Devonport, solicitors for the petitioners

LIMITED IN CHANCERY.

Cornwall Chemical Company, Limited.—V.C. Hall has, by an order dated Nov 21, appointed George Whiffin, Old Jewry, to be official liquidator. Creditors are required, on or before Feb 28, to send their names and addresses, and the particulars of their debts or claims, to the above. Monday, March 12, at 12, is appointed for hearing and adjudicating upon the debts and claims

Heliotype Company, Limited.—Petition for winding up, presented Jan 15, directed to be heard before V.C. Bacon on Jan 27. Millett, Old Palace yard, Westminster, solicitor for the petitioner

Morriston Patent Fuel and Brick Company, Limited.—Petition for winding up, presented Jan 16, directed to be heard before the M.R. on Jan 27. Jones and Co, Lincoln's inn fields, agents for Thomas, Bristol, solicitor for the petitioner

New Cross (St. John's) and Lewisham Skating Rink Company, Limited.—Petition for winding up, presented Jan 17, directed to be heard before the M.R. on Jan 27. Smith, Gresham House, Old Broad st, solicitor for the petitioners

Payne's Patent Fire Brick Company, Limited.—Petition for winding up, presented Jan 16, directed to be heard before V.C. Bacon on Jan 27. Satchell and Chapple, Queen st, Cheapside, solicitors for the petitioners

White Ash Paper Company, Limited.—Petition for winding up, presented Jan 17, directed to be heard before V.C. Bacon on Jan 27. Shaw and Tremellen, Gray's inn sq, agents for Tattersall, Blackburn, solicitor for the petitioner

TUESDAY, Jan. 23, 1877.

LIMITED IN CHANCERY.

Chinese and Indian Tea Company, Limited.—V.C. Malins has, by an order dated Jan 16, appointed Hugh John Baillie, Mark lane sq, and Augustus Frederick Haslam, Eastcheap, to be official liquidators

Drybrunside Silver Lead Mining Company, Limited.—Petition for winding up, presented Jan 20, directed to be heard before V.C. Hall on Feb 2. Musgrave, Queen Victoria st, solicitor for the petitioner

Holborn Skating Rink Company, Limited.—Petition for winding up, presented Jan 20, directed to be heard before V.C. Hall on Feb 2. Chapman, Fenchurch st, solicitor for the petitioners

Joint Stock Coal Company, Limited.—By an order made by the M.R., dated Jan 13, it was ordered that the voluntary winding up of the above company be continued. Turner and Son, solicitors for the petitioners

Milan Tramways Company, Limited.—By an order made by V.C. Malins, dated Jan 12, it was ordered that the above company be wound up. Snell, George st, Mansion House, solicitor for the petitioner

Friendly Societies Dissolved.

FRIDAY, Jan. 19, 1877.

Pakefield Friendly Society, Old Market st, Lowestoft, Suffolk. Jan 15

TUESDAY, Jan. 23, 1877.

Chilcompton Benefit Society, Britannia Inn, Chilcompton, Somerset. Jan 17

Creditors under Estates in Chancery.

Last Day of Proof.

FRIDAY, Jan. 19, 1877.

Barton, Jane, Weston-super-Mare, Somerset. Feb 15. Barton v Baker, V.C. Hall. Mills, New sq, Lincoln's inn

Butt, Robert, Southampton, Boot maker. Feb 16. Brinton v Amor, V.C. Hall. Butt, Southampton

Dennes, Henry, Thame, Oxford, Veterinary Surgeon. Feb 15. Bristy v Dennes, V.C. Hall. Cromfield, Hackney rd

Evans, Rees Price, Fronwen, Brecon, Gent. Feb 19. Edwards v Griffiths, V.C. Bacon. Thomas, Brecon

Green, Thomas, Great Winchester st, Merchant. Feb 15. London and County Banking Company v Green, V.C. Malins. Harries, Coleman st

Hawkins, James, Wells, Somerset, Baker. Feb 10. Perry v Cooke, V.C. Hall. Hobbs, jun, Wells

Jones, Jane, Plastirion, Glyndyfrdwy, Merioneth. Feb 22. Roberts v Jones, V C. Bacon. Jones, Oswestry
Sherman, Henry Joseph, Port Elizabeth, Cape of Good Hope, Merchant. July 25. Levick v Sherman, M.R. Crisp, Old Jewry
Slyth, William James, Essex rd, Islington, Book seller. Feb 7. Ensworth v Abbey, V.C. Hall. Jourdain, Ludgate hill
Wingfield, Henry Colsell, Ramsgate, Kent, Gent. April 16. Wingfield v Wingfield, V.C. Malins. Dingwall, Tokenhouse yard

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

TUESDAY, Jan. 16, 1877.

Anderson, Sarah, Foskett terrace, Shacklewell lane, Kingsland. Feb 20. Lucas, Clifford's inn, Fleet st.
Angell, John, Junction rd, Holloway, Gent. Feb 15. Theobald, Furnival's inn, Holborn
Blake, Francis John, Norwich, Solicitor. April 30. Taylor, Norwich
Brown, Ann, Doughty st, Mecklenburgh sq. Feb 28. Walker and Co, Southampton st, Bloomsbury
Burton, George, Northampton, Esq. March 25. Dennis, Northampton
Chapman, Susanna Gill, Beckenham, Kent. March 31. Jupp, London wall
Clark, Louisa Susannah, Wansted, Essex. March 13. Thurgoods, Saffron Walden
Drabble, Mary, Sheffield. Feb 13. Younge and Co, Sheffield
Dutton, William Henry, Turnham green, Esq. Feb 17. James and Co, Ely place, Holborn
Dyson, Allen, Paddock, nr Huddersfield, Butcher. March 13. Bottomley, Huddersfield
Gunton, John, Loddon, Norfolk, Wool Merchant. Feb 25. Copeman and Cadge, Loddon
Hammond, John Boxall, Midhurst, Sussex, Draper. March 1. Albery and Lucas, Midhurst
Harrison, Thomas, Lupus st, Pimlico, Licensed Victualler. Feb 24. James and Co, Ely place
Harrison, Thomas, Workington, Cumberland, Grocer. March 10. Thornburn, Carlisle
Hill, Arthur Hill, Rothesay, Island of Bute, Esq. March 1. Tathams and Co, Frederick's place, Old Jewry
Hills, Thomas, Chatham, Solicitor. Feb 28. Winch, Chatham
Hollis, William, Northampton, Esq. March 25. Dennis and Faulkner, Northampton
Kirkbank, John, Cumpstones, Whiteham, Cumberland, Gent. Feb 11. Butler, Broughton-in-Furness
Mason, Jane, Aberystwith, Cardigan. March 1. Jones, Aberystwith
Minter, Richard Dunnett, Woodbridge, Suffolk, Hardwareman. Feb 1. Brooke, Woodbridge
Muirhead, Henry Donaldson, Oxford rd, Islington, Public Secretary. Feb 17. Heritage, Nicholas lane
Overbury, Benjamin, King st, Cheapside, Woollen Warehouseman. April 16. De Jersey and Co, Gresham st west
Pace, William Napper, Coonoor, East Indies, Major Gen Indian Army. Feb 28. Crosse, Lancaster place, Strand
Pearson, William, jun, Norton, Worcester, Gent. March 1. Corser and Walker, Stourbridge
Pickett, Thomas John, Newcastle-upon-Tyne, Wine Merchant. Feb 12. Winship, Newcastle-upon-Tyne
Rouse, Richard, Hemingford rd, Barnsbury, Gent. Feb 23. Flavell and Bowman, Bedford row
Sharp, Thomas, Burnsall, York, Yeoman. Feb 12. Robinson, Skipton
Stebbing, Thomas, Paglesham, Essex, Farmer. March 27. Lamb and Brooks, Odiham, Hants
Tapp, Abraham, Ashill, Somerset, Retired Farmer. Feb 10. Paull, Ilminster
Taylor, Thomas, Great Lever, Lancashire, Cotton Spinner. May 1. Rushton and Co, Bolton-le-Moors
Vandeleur, Robert, Weymouth, Esq. March 24. Fry and Co, Bristol
Whitaker, Charles, Bridlington Quay, York, Esq. Feb 8. Wilson, Kingston-upon-Hull
Wright, John Whyley, Spon Lane, Stafford, Licensed Victualler. Feb 16. Barlow and Co, Birmingham

FRIDAY, Jan. 19, 1877.

Andrew, William, City rd, Furniture Dealer. March 1. Mills and Lockyer, Brunswick place, City rd
Asher, Joseph, Stanton-by-Bridge, Derby, Farmer. Feb 20. Sale, Derby
Austen, William, Otham, Kent, Farmer. Feb 26. Menpes, Maidstone
Ayles, Thomas, Little Kington Farm, Dorset, Farmer. March 1. Bell and France, Gillingham
Barlow, Henry Clark, Church yard row, Newington, Doctor of Medicine. March 23. Barnard and Co, Lancaster place, Strand
Bland, James Sparling, Worton Hall, Isleworth, Esq. Feb 28. Devonshire, Frederick's place, Old Jewry
Bramwell, John, Westbourne terrace, Paddington, Esq. March 1. Murray and Co, Birchin lane
Cartwright, Henry, Willey, Salop, Gent. March 31. Potts, Broseley
Cockell, Anne, Lyncombe, Somerset. Feb 28. Dyne, Bruton
Crump, George Hammerton, Pentrepant Hall, nr Oswestry, Salop, Esq. March 1. Miller and Hughes, Liverpool
Fisher, Anne, Henbury, Gloucester. March 1. Fry and Co, Bristol
Gibbons, David Octavius, otherwise David Gibbons, New court, Temple, Special Pleader. March 1. Thomas, Chancery lane
Hewertson, Nelson, Newport, Mon, Timber Merchant. March 1. Lloyd, Newport
Hold, William, Manchester st, Surveyor. Feb 28. Smith, Furnival's inn, Holborn
Judge, Rev John, Leighton, nr Welshpool. March 1. Miller and Co, Liverpool
Manley, Anna Maria, Brighton. Feb 20. Beattie, Poet's corner, Westminster
Marks, Fanny, Cutler st, Houndsditch. Feb 20. Barnett, New Broad st
Moore, George, Bow Church yard. March 31. Phelps and Co, Gresham st
Owen, James, Great Lever, Lancashire, Contractor. March 18. Bailey and Read, Bolton-le-Moors
Pickles, Henry, Leeds, Innkeeper. March 1. Markland and Davy, Leeds
Powell, Mary, Cheadle, Stafford. March 7. Thacker, Cheadle
Roodhouse, John, Carlton, York, Farmer. April 1. Turner, Rothwell, nr Leeds
Sawyer, William, Fenton, Stafford, Innkeeper. Feb 12. Tomkinson and Furnival, Burslem
Slater, William, Accrington, Labourer. March 8. Whalley, Accrington
Strickland, Thomas, Accrington, Gent. March 10. Whalley, Accrington
Thompson, William, Montague place, Russell sq, Gent. March 13. Letts Brothers, Bartlett's buildings, Holborn
Williams, William, Tower Farm, Llangollen, Farmer. March 1. Richards and Son, Llangollen

Bankrupts.

FRIDAY, Jan. 19, 1877.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Butler, Arthur Montague, Montpelier rd, Peckham, Wine Merchant. Pet Jan 16. Hazlitt. Jan 31 at 12.30
Hand, Henry, Coleman st, Solicitor. Pet Jan 16. Hazlitt. Jan 31 at 12
Ross, Owen Charles Dalhouse, Ladbroke rd, Notting hill. Pet Jan 17. Spring-Rice. Jan 30 at 1

To Surrender in the Country.

Cordwell, Daniel, Cradley heath, Stafford, Draper. Pet Dec 22. Walker. Dudley, Feb 1 at 12
Skeef, George, Sherwood, Nottingham, Plumber. Pet Jan 15. Patchitt. Nottingham, Feb 5 at 2.30

TUESDAY, Jan. 23, 1877.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Breslin, E W W , Langham Hotel, Portland place. Pet Jan 19. Keene. Feb 5 at 11

To Surrender in the Country.

Emery, Robert, Cardiff, Merchant. Pet Jan 20. Langley. Cardiff. Feb 7 at 2
Hedley, John, sen, Barnard Castle, Durham, Farmer. Pet Jan 19. Crosby. Stockton-on-Tees, Feb 6 at 2.30
Howard, David, Dobcross-in-Saddleworth, York, Commercial Traveller. Pet Jan 19. Tweedale. Oldham, Feb 7 at 11
Stafford, Joseph, New Mills, Cheshire, Wood Turner. Pet Jan 19. Hyde. Stockport, Feb 9 at 11
Wise, William, jun, Birmingham, Builder. Pet Jan 18. Cole. Birmingham, Feb 5 at 2
Wood, Charles, Nottingham, Butcher. Pet Jan 18. Patchitt. Nottingham, Feb 5 at 3

BANKRUPTCIES ANNULLED.

FRIDAY, Jan. 19, 1877.

Beer, Abel Levi, Derby, Provision Merchant. Jan 11
Thompson, Thomas Robson, Bradford, Coach Builder. Jan 12
White, E G , Mansell st, Goodman's fields, Picture Frame Dealer. Jan 16

Liquidation by Arrangement.

FIRST MEETINGS OF CREDITORS.

FRIDAY, Jan. 19, 1877.

Anderson, William Gibson, Bishop Auckland, Durham, Farmer. Feb 6 at 2 at offices of Fleming, Union chambers, Grainger st west, Newcastle-upon-Tyne
Ayre, George, New Wortley, nr Leeds, Joiner. Feb 2 at 11 at offices of Rooke and Midgley, White Horse st, Boar lane, Leeds
Balmforth, Alfred John, Ilkeston, Derby, Grocer. Feb 6 at 12 at offices of Brittle, St Peter's gate, Nottingham
Barnett, Samuel, Aston New Town, Warwick, out of business. Jan 31 at 11 at offices of Davies, Bennett's hill, Birmingham
Beddows, John, and Thomas Beddows, Forrest Colliery, Walsall, Stafford, Charter Masters. Feb 6 at 11 at offices of Glover, Park st, Walsall
Beynon, John, Laugharne, Carmarthen, Licensed Victualler. Feb 6 at 11 at offices of Morris, Quay st, Carmarthen
Boag, Ambrose, Gateshead, Durham, Clerk. Feb 5 at 11 at offices of Von Dommer, Pilgrim st, Newcastle-upon-Tyne
Bower, Matthew, jun, Birmingham, Dealer. Jan 26 at 12 at offices of Fellows, Cherry st, Birmingham
Brereton, Arthur, Stapeley, Cheshire, Builder. Feb 1 at 10 at 75, Market st, Crewe. Pointon, Crewe
Briggs, Moses, Gateshead, Durham, Confectioner. Jan 30 at 3 at offices of Smith, Saville st, North Shields
Britton, Samuel Abraham, Beaumont sq, Mile End, Jeweller. Feb 3 at 11 at the Guildhall Coffee House, Gresham st. Green, Queen st
Broadfoot, James, Crewe town, Cheshire, Draper. Feb 5 at 10 at offices of Cooke, Temple chambers, Crewe
Bulpitt, George Henry, Highfield, Hants, Market Gardener. Jan 31 at 12 at offices of Guy, Albion terrace, Southampton
Burgess, Joseph, Tunstall, Stafford, Beerseller. Jan 29 at 3 at offices of Llewellyn and Ackrill, Piccadilly st, Tunstall
Camur, Victor Gustave Monnington, Swansea, Glamorgan, Railway Agent. Feb 1 at 3 at offices of Davies and Hartland, Rutland st, Swansea
Chapman, Robert, Moss Side, nr Manchester, Stone Mason. Feb 5 at 3 at offices of Bond and Son, Dickinson st, Manchester
Charles, Andrew Frank, Mansfield, Nottingham, Hotel Keeper. Feb 3 at 12 at offices of Belk, Middle pavement, Nottingham
Clark, Adam Alfred, Newark, Nottingham, out of business. Feb 8 at 12 at offices of Blackwell, St Peter's Church walk, Nottingham
Clarke, Abraham, Tunstall, Stafford, Blacksmith. Jan 25 at 3 at the Castle Hotel, Newcastle-under-Lyme. Llewellyn and Ackrill, Tunstall

Clarke, Richard Jones, Aldershot, Hants, Confectioner. Feb 8 at 3 at 37, Bedford row. Marshall
Clayton, Robert, Bradford, York, Stuff Merchant. Feb 2 at 4 at offices of Atkinson, Tyrrel st, Bradford
Comley, Henry Beeche, Maindee, Monmouth, Grocer. Jan 31 at 11 at offices of Vaughan, Dock st, Newport
Coombs, John Taylor, Portsea, Hants, Engineer. R.N. Feb 1 at 1 at offices of King, North st, Portsea
Dance, William, Aberdare, Glamorgan, Licensed Victualler. Feb 3 at 1 at offices of Rosser, Canon st, Aberdare
Dixon, William, Scotby, Cumberland, Innkeeper. Feb 5 at 11 at offices of Dobinson and Watson, Bank st, Carlisle
Dobson, Edward, Bootle, Lancashire, Bleacher. Feb 1 at 3 at offices of Ritson, Dale st, Liverpool
Dulson, William, Liverpool, out of business. Feb 8 at 2 at offices of Hore and Monkhouse, Commerce chambers, Lord st, Liverpool
Ellis, Smith, Scarborough, York, Boot Dealer. Feb 2 at 3 at Wharton's Hotel, Park lane, Leeds. Watts, Scarborough
Field, Thomas Goodwin, Mortimer rd, Kingsland, Chemist. Jan 29 at 3 at offices of Sydney, Leadenhall st
Forder, Samuel Ayers, Chelmsford, Essex, Hosier. Feb 8 at 11 at the Auction Mart, Tokenhouse yard. Duffield and Bruty
Fordham, Thomas, George's rd, Holloway rd, Slaughterman. Feb 5 at 2 at offices of Blachford and Co, College hill, Cannon st
Fothergill, Smart Atkinson, Haswell, Durham, Physician. Jan 30 at 3 at offices of Bentham, New arcade, Sunderland
Fulton, Hugh, Leeds, Draper. Jan 30 at 11 at offices of Hewson, East parade, Leeds
Gayner, Frederick, Bristol, Tobacconist. Jan 31 at 3 at offices of Baker and Langworthy, Stephen st, Bristol
Goetze, Elizabeth, Brighton, Linen Draper. Jan 30 at 2 at offices of Brown, Finsbury place
Hammond, Arthur, Horseheath, Cambridge, Carpenter. Feb 5 at 12 at offices of Ellison and Burrows, Alexandra st, Cambridge
Hancock, William Jackson, Liverpool, Coach Builder. Feb 9 at 11 at offices of Lowe, Castle st, Liverpool
Hargreaves, John, Burnley, Lancashire, Boot Dealer. Feb 2 at 12 at offices of Knowles, Hargreaves st, Burnley
Hirst, Edmund, Hellifield, York, Grocer. Jan 26 at 3 at offices of Singleton, New Booth st, Bradford
Hodgkinson, Joseph, Haydock, Lancashire, Fitter. Jan 31 at 11 at offices of Ridgway and Worsley, Cairo st, Warrington
Hodgman, Robert Edward, Margate, Corn Factor. Feb 1 at 3 at the Bull and George Hotel, Ramsgate. Edwards, Ramsgate
Hogg, Edward, Middlesborough, Painter. Jan 29 at 11 at offices of Addenbrooke, Zetland rd, Middlesborough
Holden, James, Over Darwen, Lancashire, Hatter. Jan 31 at 11 at offices of Hindle, Bolton rd, Over Darwen
Hustler, Henry Nicholson, Clayton, Lancashire, Joiner. Feb 7 at 3 at the Falstaff Hotel, Market place, Manchester. Ward, Manchester
Jackson, William, High st, Wapping, Painter. Feb 7 at 3 at offices of Sewell and Edwards, Gresham House, Old Broad st
Jamieson, James, Newcastle-upon-Tyne, Common Brewer. Feb 1 at 11 at offices of Keenlyside and Forster, Grainger st west, Newcastle-upon-Tyne
Jones, Griffith, Barmouth, Grocer. Feb 1 at 2 at the Corsygedol Arms Hotel, Barmouth. Roberts and Co, Pwllheli
Jones, Robert, Disgarth, Denbigh, Farmer. Feb 3 at 12 at the Cymes Inn, Llangwm. James, Corwen
Kauffmann, Edward, Liverpool, Furrier. Jan 31 at 3 at offices of Francis and Co, Harrington st, Liverpool
Kent, George, Lantegios, Cornwall, Farmer. Jan 26 at 11 at the King's Arms Hotel, Camelford. Creber, Camelford
King, John Thomas, Leicester, Shoe Manufacturer. Feb 2 at 3 at offices of Wright, Belvoir st, Leicester
King, Joseph Farrar, Bradford, York, Italian Cloth Merchant. Feb 6 at 4 at offices of Atkinson, Tyrrel st, Bradford
Lamb, Alfred Charles Barton, Hurst st, Herne hill, Assistant Architect. Jan 31 at 2 at Mullen's Hotel, Ironmonger lane. Pullen, Basinghall st
Lindley, Frederick, Nottingham, out of business. Feb 6 at 12 at offices of Shelton, St Peter's Church walk, Nottingham
Love, John, Kingston-on-Thames, Tailor. Jan 31 at 2 at the Guildhall Coffee House, Gresham st. Wilkinson and Howlett, Bedford st, Covent garden
Lyons, Israel, Carlton rd, Mile End, out of business. Jan 30 at 3 at offices of Wetherfield, Gresham buildings
Macnamara, John, Bristol, Licensed Victualler. Feb 2 at 11 at offices of Essery, Guildhall, Broad st, Bristol
Marsh, Robert, Wallingford, Berks, Bootmaker. Feb 9 at 3 at offices of Cooper, Chancery lane
Millard, Joseph, Cardiff, Grocer. Jan 30 at 11 at offices of Morgan and Scott, High st, Cardiff
Neast, Robert, Bilston, Stafford, Baker. Feb 3 at 11 at offices of Bowen, Mount Pleasant, Bilston
Nichols, Robert, sen, Garstang, Lancashire, Saddler. Feb 1 at 3 at offices of Ambler, Cannon st, Preston
Ord, Richard Oliver, Newcastle-upon-Tyne, Grocer. Jan 31 at 3 at offices of Wallace, Hutton chambers, Pilgrim st, Newcastle-upon-Tyne
Pasco, John, Salford, Chemist. Feb 2 at 3 at offices of Evans, St George's chambers, Albert sq, Manchester
Pearson, Joseph William, Aldgate, trading as the Economist Tea Company. Feb 2 at 3 at 4, Arthur st east. May and Co, Adelaide place
Pett, James Munnery, East Moulsey, Surrey, Grocer. Feb 2 at 3 at offices of Izard and Betts, Eastcheap. Carter and Bell, Eastcheap
Philips, Francis Aibert, Dewsbury, York, Artist. Feb 5 at 10.30 at offices of Wooler, Exchange buildings, Batley
Rant, Benjamin, Wymeswould, Leicester, Beerhouse Keeper. Feb 8 at 12 at offices of Heath and Son, St Peter's Church walk, Nottingham
Rhodes, Thomas Burn, Croydon, Chemist. Feb 1 at 2 at Mullen's Hotel, Ironmonger lane. Pullen, Basinghall st
Richardson, George, West Moor, Northumberland, Cartman. Feb 2 at 3 at offices of Fybus, Dean st, Newcastle-upon-Tyne
Roberts, Benjamin, Aberaman, Glamorgan, Greengrocer. Feb 2 at 1 at offices of Linton, Canon st, Aberdare
Robson, Albert, Hunstanton St Edmunds, Norfolk, Wine Merchant. Feb 1 at 1 at offices of Seppings, King st, King's Lynn
Rodgers, John, Rawmarsh, York, Shopkeeper. Jan 31 at 11 at offices of Willis, Church st, Rotherham
Rudeforth, Levi John, Langdale rd, Peckham, Builder. Feb 5 at 12 at offices of Ladbury and Co, Cheapside. Owles, Chancery lane
Samuel, Henry, Newport, Mon, Boot Manufacturer. Jan 29 at 3 at offices of Graham, Commercial st, Newport
Sanderson, William, Howsham, Lincoln, Grocer. Feb 1 at 10 at the Angel Inn, Brigg. Page, jun, Lincoln
Sherwell, Frederick, Bristol, Silk Mercer. Feb 2 at 12 at 111, Cheapside. Brittan and Co, Bristol
Shortland, John Ladbrook, Coseley, Stafford, Contractor. Feb 1 at 3 at offices of Rhodes, Queen st, Wolverhampton
Shuttleworth, Samuel, Rhyl, Flintshire, Grocer. Feb 2 at 3 at offices of Stevenson, Weekday cross, Nottingham
Silman, William, Birmingham, Commercial Clerk. Feb 2 at 3 at offices of Wright and Marshall, New st, Birmingham
Smith, William Henry, King's College rd, St John's wood, out of business. Feb 5 at 3 at offices of Chorley and Crawford, Moorgate st
Spowage, John, Chesterfield, Derby, Clothier. Feb 2 at 2 at offices of Greaves and Allen, Old Haymarket, Sheffield
Stringfellow, Joseph Barton, Manchester, Draper. Jan 31 at 3 at offices of Horner, St Mary's st, Deansgate, Manchester
Thistlewood, Stephen, Sutton St James, Lincoln, Farmer. Feb 3 at 11 at the Chequers Hotel, Holbeach. Sturton, Holbeach
Thompson, Charles Henry, Leicester, Schoolmaster. Feb 6 at 3 at offices of Wright, Gallowtree gate, Leicester
Thornton, Fanny Quince, Brighton, Grocer. Feb 7 at 12 at offices of Holtnam, Ship st, Brighton
Turner, Thomas Aubrey, Gower st, Surgeon. Feb 1 at 3 at offices of Masterman and Co, Aldersgate st
Twidale, George John, Ferriby Sluice, Lincoln, Brickmaker. Feb 1 at 11 at offices of Nowell and Priestley, Barton-on-Humber
Uttley, Thomas, Rochdale, Druggist. Feb 5 at 3 at offices of Worth, Ackroyd's chambers, Old Market place, Rochdale
Vernon, William John, Monks Coppenhall, Cheshire, Manufacturer of Aerated Waters. Feb 5 at 11 at the Adelphi Hotel, Monks Coppenhall. Remer, Sandbach
Vero, William, sen, and William Vero, jun, Blackfriars rd, Hat Manufacturers. Feb 3 at 12 at the Guildhall Tavern, Gresham st. Fowke, Birmingham
Warren, William, Nantwich, Cheshire, Grocer. Feb 5 at 3 at offices of Cooke, Temple chambers, Crewe
Watson, Walker, Leeds, out of business. Jan 29 at 3 at offices of Rooks and Midgley, White Horse st, Boar lane, Leeds
Weeks, James, Shacklewell lane, Kingsland, Manufacturer of Frillings. Jan 29 at 2 at offices of Morris, Paternoster row
Weemys, David, and Walter Bennett, King Henry's walk, Mildmay park, Grocers. Jan 30 at 3 at 4, Arthur st east. May and Co, Adelaide place
Wescombe, Jane, Watchet, Somerset, Coal Merchant. Feb 7 at 12 at the West Somerset Hotel, Wotchet. White and Son, Williton
West, James, Sutton, Surrey, Pork Butcher. Jan 30 at 3 at offices of Aird, Eastcheap
West, John Frederick, King st, Poplar, Mastmaker. Jan 31 at 2 at offices of Hilbery, Crutched friars
Wheeler, Emily, Birmingham, out of business. Jan 27 at 12 at offices of Maher and Poncia, Temple st, Birmingham
Whitehead, David James, Ipswich, Licensed Victualler. Feb 7 at 11 at offices of Watts, Butter market, Ipswich
Williams, William, Little College st, Upper Thames st, Licensed Victualler. Feb 2 at 2 at offices of Baxter, Laurence Pountney hill
Wilmot, John, South Perrott, Dorset, Carpenter. Feb 8 at 3 at the George Hotel, Yeovil. Rubinstein
Woolbright, Robert, Bournemouth, Gas Fitter. Jan 30 at 3 at offices of Trevanion, Commercial rd, Bournemouth
Wright, Samuel, Marston, Cheshire, Coal Dealer. Feb 1 at 12 at the Thatched House Hotel, Newmarket place, Manchester. Green and Dixon, Northwich

TUESDAY, Jan. 23, 1877.

Ashton, John William, Huddersfield, Bookseller. Feb 12 at 3 at offices of Learoyd and Co, Buxton rd, Huddersfield
Baker, John, Wells, Somerset, Baker. Feb 2 at 2 at offices of Bockingham, Albion chambers, Broad st, Bristol
Barker, William, Ashwell, Hertford, Saddler. Feb 7 at 11 at offices of Nash, High st, Royston
Barnes, Thomas, Brighton, Saddler. Feb 9 at 11.30 at 6, Great James st, Bedford row. Nye, Brighton
Barrett, Robert, Borough, Southwark, Provision Dealer. Feb 5 at 12 at offices of Swann and Co, Chancery lane
Baughan, Rosa, and Clara Eliza Baughan, Bark place, Bayswater, School Proprietress. Feb 8 at 3.30 at offices of Hudson and Co, Bucklersbury
Bedford, Edward, Ramsay, Huntingdon, Butcher. Feb 8 at 3 at offices of Watts and Son, Ramsey
Benjamin, Samuel, Wolverhampton, Stafford, Clothier. Feb 8 at 12 at offices of Montagu, Bucklersbury
Bingham, John, Sheffield, Licensed Victualler. Feb 6 at 3 at offices of Binney and Sons, Queen st chambers, Sheffield
Bowdler, John George, Seacombe, Cheshire, Shipbuilder. Feb 13 at 2 at offices of Field and Weightman, Fenwick st, Liverpool
Brookebank, William Tomlinson, Birkenhead, Cheshire, Butcher. Feb 5 at 2 at offices of Sebright and Co, Hamilton st, Birkenhead
Carrington, Thomas Aaron, Spalding, Lincoln, Ketchup Maker. Feb 2 at 10 at offices of Cammack, Spalding
Chesters, Thomas, Liverpool, Costumier. Feb 7 at 3 at offices of Smith, Cort's buildings, Preeson's row, Liverpool
Clegg, James, Cliviger, Lancashire, out of business. Feb 5 at 3 at offices of Sutcliffe, Grimshaw st, Burnley
Colling, Hannah, Guisborough, York, Grocer. Feb 5 at 11 at the Argyll Hotel, Stockton-on-Tees. Bainbridge, Middlesborough
Cook, Thomas, Congleton, Cheshire, Draper. Feb 12 at 11 at offices of Cooper, Town Hall passage, Congleton
Cowton, Ann, York, Innkeeper. Feb 2 at 1 at Abbott's Hotel, Tanner row, York. Dale, York
Cowton, Emma, York. Commission Agent. Feb 2 at 11 at Abbott's Hotel, Tanner row, York. Dale, York
Dalby, Thomas, Ledbury, Hereford, Fishmonger. Feb 12 at 12 at offices of Potter, Northfield House, Cheltenham

Davey, Henry Thomas, Edgware, Middlesex, Ironmonger. Jan 31 at 12 at offices of Preston, Mark lane

Davies, John, Llansamlet, Glamorgan, Spelterman. Feb 6 at 11 at offices of Cox, Adelaide chambers, Swansea

Davies, Sarah, Tonyrefail, Glamorgan, Grocer. Feb 6 at 12 at offices of Thomas, Church st, Pontypridd

Drinkwater, Isaac, Greetland, nr Halifax, Mason. Feb 5 at 11 at offices of Longbottom, Northgate chambers, Halifax

Duncan, Robert, Rochdale, Lancashire, Cotton Spinner. Feb 6 at 3 at offices of Addleshaw and Warburton, King st, Manchester

Dutton, John James, Sheffield, Boot Dealer. Feb 2 at 3 at offices of Clegg and Sons, Bank st, Sheffield

Dyson, James Edward, Dewsbury, York, Joiner. Feb 9 at 2.30 at offices of Stapleton, Union st, Dewsbury

Evans, David, Cardiff, Draper. Feb 6 at 12 at offices of Morris and Son, High st, Cardiff

Fairey, John, St Ives, Huntingdon, Florist. Feb 6 at 2.30 at offices of Watts and Son, Bullock market, St Ives

Fisher, John Frederick, Halesworth, Suffolk, Plumber. Feb 2 at 3 at offices of Allen, Thoroughfare, Halesworth

Garratt, Samuel Kingsley, North Warnborough, Hants, Miller. Feb 7 at 2 at offices of Eve, Victoria rd, Aldershot

Gibson, Francis, and John Gibson, Leicester, Lath Renders. Feb 8 at 3 at offices of Owston, Friar lane, Leicester

Greenlees, Robert, and Archibald Greenlees, Angel court, Friday st, Commission Agents. Jan 31 at 12 at offices of Phelps and Co, Gresham st

Halder, Thomas, Lockton, York, Farmer. Jan 31 at 2 at offices of Parkinson, Pickering

Hall, George Albert, St Leonard's-on-Sea, Sussex, Boot Maker. Feb 6 at 3 at offices of Miller and Miller, Sherborne lane. Savery, Hastings

Hall, Thomas, Lumley, Durham, Grocer. Feb 7 at 3 at the Law Society's Rooms, John st, Sunderland. Ranson and Nelson, Sunderland

Hamilton, David, Hanley, Stafford, Travelling Draper. Feb 2 at 2 at the Copeland Arms Hotel, Stoke-upon-Trent. Ashmall, Stafford

Harper, John, Sunderland, Durham, Builder. Feb 5 at 11 at offices of Tilley, Norfolk st, Sunderland

Harrison, John, Burton-in-Lonsdale, York, Cattle Dealer. Feb 7 at 2 at the Joiners' Arms Inn, Burton-in-Lonsdale. Pearson, Kirkby Lonsdale

Hayward, William, Runcorn, Cheshire, Licensed Victualler. Feb 7 at 1 at offices of Linaker, Bank chambers, Runcorn

Herbstreet, Joseph, Smethwick, Stafford, Clock Maker. Feb 7 at 11 at offices of Burton, Union passage, Birmingham

Higgins, Charles Dutton, Milton-next-Gravesend, Kent, Builder. Feb 5 at 1 at offices of Sarland and Hatten, Court house, Gravesend

Highfield, Fuller Pilch, Killamarsh, Derby, Tailor. Feb 16 at 2 at the Green Man Inn, Broad st, Park, Sheffield. Rider, Leeds

Hill, Stephen, Wednesbury, Stafford, Stonemason. Feb 5 at 10 at offices of Slater and Marshall, Butcroft, Darlaston

Huggins, John, Swan st, Trinity st, Southwark, Ostler. Feb 8 at 3 at 18, Henshaw st, Rodney rd, Walworth

Hyde, William, Luton, Bedford, Journeyman Packing Case Maker. Feb 1 at 3 at the Red Lion Inn, Castle st, Luton. Neve, Luton

Ineson, Edwin, Batley, York, Rag Merchant. Feb 2 at 2 at offices of Watts and Son, Commercial st, Batley

Ingram, William, Stamford, Lincoln, Timber Carter. Feb 5 at 11 at offices of Stapleton, St Paul's st, Stamford

Jackson, Ann, Staindrop, Durham, Innkeeper. Feb 7 at 12 at offices of Maw, jun, High Bondgate, Bishop Auckland

Johnson, Frederick, jun, Nottingham, Chemist. Feb 10 at 12 at offices of Parsons, Eldon chambers, Wheeler gate, Nottingham

Kenward, George, St Leonard's-on-Sea, Sussex, Boot Maker. Feb 9 at 3 at 37, Bedford row. Marshall

King, Edward, Bristol, Carpenter. Feb 7 at 12 at offices of Plummer, Bristol chambers, Nicholas st, Bristol

King, George, Squirrel's Heath, Essex, Baker. Feb 5 at 2 at offices of Dalton and Jessett, St Clement's House, Clement's lane, Lombard st

King, John, Pain Slack, Huggate, York, Farmer. Feb 7 at 2 at the Keys Hotel, Driffield. Turner, Driffield

Kirkby, Charles, Sheffield, Confectioner. Feb 9 at 11 at offices of Binney and Sons, Queen st chambers, Sheffield

Knight, Alfred Andrew, Thornton Heath, Surrey, Post Office Clerk. Feb 2 at 11 at offices of Preston, Mark lane

Krogmann, Hermann Andreas, Canrobert st, Bethnal green. Feb 1 at 3 at offices of Wells, Paternoster row

Le-Page, John Fisher, Brandon, Durham, Gent. Feb 7 at 3 at the Rose and Crown Hotel, Market place, Durham. Chapman, Durham

Luxford, Sam, Brighton, Pork Butcher. Feb 10 at 1 at offices of Maynard, North st, Brighton

Mackintosh, John, Tredegar, Mon, Draper. Feb 5 at 3 at offices of Williams and Co, High st, Cardiff. Beddoe, Merthyr Tydfil

Manuel, David, Canterbury, Coal Hawker. Feb 8 at 2 at the Guildhall Tavern, High st, Canterbury. Till

Mercer, William, jun, Preston, Provision Dealer. Feb 5 at 11 at offices of Thompson, Lune st, Preston

Morgan, Thomas, Clifton, Bristol, Builder. Feb 7 at 2 at offices of Parsons, Nicholas st, Bristol. Burges and Lawrence

Morley, George, Sevenoaks, Kent, Builder. Feb 3 at 3 at offices of Nunn, Park view, Granville rd, Sevenoaks

Morrell, John, Liverpool, out of business. Feb 10 at 11 at offices of Lowe, Castle st, Liverpool

Moss, Thomas, Tividale, Staffordshire, Grocer. Feb 6 at 11 at offices of Shakespeare, Church st, Oldbury

Mullineaux, Benjamin, Charles Nathan Mullineaux, and Henry Makin, Bolton, Waste Dealers. Feb 5 at 3 at offices of Dawson, Wood st, Bolton

Musgrave, Francis, Nottingham, Theatrical Manager. Feb 8 at 12 at the George Hotel, George st, Nottingham. Thorpe and Thorpe

Myatt, John, Wolverhampton, Butcher. Feb 5 at 3 at offices of Rhodes, Queen st, Wolverhampton

Parker, George, Pelaw Main, Durham, Grocer. Jan 31 at 3 at offices of Harle, Akenside hill, Newcastle-upon-Tyne

Parker, Thomas, and Thomas William Parker, Sprowston, Norfolk, Artificial Manure Manufacturers. Feb 2 at 3 at offices of Miller and Co, Bank chambers, Norwich

Pegg, Arthur, Little Cadogan place, Belgrave sq, Horse Dealer. Feb 10 at 10 at the Portman Arms, Marylebone rd. Berkeley, Marylebone rd

Pellew, Gordon Humphrey Langton, Brighton, Gent. Feb 13 at 2 at the Inns of Court Hotel, High Holborn. Nye, Brighton

Pimlott, Joseph, Gateshead, Durham, Grocer. Feb 6 at 3 at offices of Richardson, Market st, Newcastle-upon-Tyne

Plackett, Elijah, Nottingham, Baker. Feb 7 at 3 at offices of Herbert Weekday cross, Nottingham. Belk, Nottingham

Pollard, William John, and William Reid Black, Spennymoor, Durham, Drapers. Feb 7 at 11.30 at offices of Proud, Market place, Bishop Auckland

Poulmeer, William George, Bodmin, Cornwall, Builder. Feb 2 at 2 at offices of Bayley, Sutton rd, Plymouth. Collins, Bodmin

Resch, George William, Compton-Gifford, Devon, Accountant. Feb 5 at 11 at offices of Elworthy and Co, Courtenay st, Plymouth

Revell, Joseph, Bradford, Traveller. Feb 5 at 4 at offices of Atkinson, Tyrrel st, Bradford

Richardson, Alfred Mossey, Manchester, Commission Agent. Feb 5 at 3 at the Clarence Hotel, Spring gardens, Manchester. Harle, Manchester

Rogers, John, Somersham, Huntingdon, out of business. Feb 3 at 2 at the Lion Hotel, Petty Cury, Cambridge. Watts and Son

Saxton, Joshua, Nottingham, Cabinetmaker. Feb 1 at 4 at offices of Cockayne, Fletcher gate, Nottingham

Schofield, Thomas, jun, Manchester, Traveller. Feb 5 at 3 at offices of Sampson, South King st, Manchester

Senior, James, Dewsbury, York, Provision Dealer. Feb 2 at 10 at offices of Shaw, Bond st, Dewsbury

Shayler, John Thomas, Castle st, Falcon sy, Trimming Manufacturer. Jan 31 at 2 at offices of Arnold, Finsbury pavement

Slater, John, Barnoldswick, York, Auctioneer. Feb 10 at 2 at offices of Robinson and Robinson, Skipton

Smith, Thomas, Preston, Beerseller. Feb 6 at 3 at offices of Ambler, Cannon st, Preston

Sowter, George, Nottingham, Hosier. Feb 8 at 12 at offices of Belk, Middle pavement, Nottingham

Staley, Richard, Oxford, Baker. Feb 6 at 11 at offices of Swearse, Corn Market st, Oxford

Sutcliffe, Robert, Littleborough, Lancashire, Auctioneer. Feb 7 at 3 at the Spread Eagle Hotel, Cheetham st, Rochdale. Ashworth, Rochdale

Thom, Robert, Higher Tranmere, Cheshire, Commission Agent. Feb 2 at 3 at offices of Moore, Duncan st, Birkenhead

Thornton, Joseph, Lower Hopton, York, Grocer. Feb 5 at 3 at offices of Ibberson, Westgate, Dewsbury

Thornton, Sykes, Brighton, Gent. Feb 10 at 1 at 6, Great James st, Bedford row. Nye, Brighton

Vine, Charles, Parker's row, Dockhead, Bermondsey, Stay Manufacturer. Feb 6 at 3 at offices of Poncione, jun, Raymond buildings, Gray's inn

Vinson, Richard James, Gateshead, Durham, Cabinetmaker. Feb 2 at 2 at offices of Joels, Newgate st, Newcastle-upon-Tyne

Walker, Thomas, Hemyock, Devon, Grocer. Feb 2 at 11 at the Squirrell Hotel, Wellington

Warrillow, William Thomas, Birmingham, Paper Dealer. Feb 5 at 12 at offices of Cottrell, Newhall st, Birmingham

Wesley, George, Tipton, Stafford, Boot Factor. Feb 5 at 12 at offices of Barnard and Co, Burlington chambers, New st, Birmingham. Reece and Harris, Birmingham

West, Joseph, Bath, Boot Maker. Feb 6 at 11 at the Full Moon Hotel, Old Bridge, Bath. Corner, High town, Hereford

White, Barrington Syer, Twickenham, Surgeon. Feb 5 at 12 at the Inns of Court Hotel, Holborn. Farnell and Briggs, Isleworth

Wilding, Joseph, Wrexham, Denbigh, Bootmaker. Feb 2 at 2 at offices of Thorn, Hope st, Wrexham

Wilson, George, Coventry, Plumber. Feb 5 at 12 at offices of Dewes and Co, Hay lane, Coventry

Winslow, Joseph, Trowbridge, Wilts, Plumber. Feb 5 at 10.30 at offices of Rodway, Fore st, Trowbridge

Wood, Robert, Fleetwood, Lancashire, Clothier, Feb 1 at 2 at the Mitre Hotel, Cathedral gates, Manchester

Wood, Samuel, Prisoner in Chester Castle. Feb 6 at 3 at offices of Froggatt, Bank buildings, Chester gate, Macclesfield

Wright, William, Lower Stowal, Stafford, Machinist. Feb 5 at 3 at offices of Sheldon, Lower High st, Wednesbury